

The Nation.

NEW YORK, THURSDAY, OCTOBER 31, 1872.

The Week.

THERE will be elections held on Tuesday next for members of Congress and State officers in fourteen States, and for members of Congress alone in fourteen more. In the remainder the Presidential electors alone will be chosen. The Greeleyites concede to Grant twelve States, yielding in all 119 votes, while they claim for Greeley seventeen States, yielding 178 votes, leaving Grant only one Southern State—South Carolina. They declare eight States to be doubtful—namely, California, Illinois, Minnesota, Mississippi, New Hampshire, North Carolina, Rhode Island, and Wisconsin, yielding 69 votes, and thus, if their calculations are well founded, they have only six votes to get from the doubtful States to give them the victory. But out of the Greeley list the Republicans claim, with the utmost confidence, at least Connecticut, Indiana, New Jersey, and New York, yielding 65 votes; and they count with greater or less confidence on every one of the States set down by the Greeleyites as doubtful. Should their anticipations prove correct, they will thus take away 65 of the votes of which the Greeleyites profess to be sure, and 69 of those of which they profess to have some expectation. These, added to the votes which the Greeleyites concede to Grant already, would give him 253. The States in which the contest will undoubtedly be close, and in which, therefore, one can fairly call the issue doubtful, are New York, and New Jersey, and Michigan, and Indiana, yielding 70 votes in all. Should Grant lose the whole of these, it would still leave him 183 votes, or a majority, supposing the remainder of the Grantite calculations to be correct. We ought perhaps to include Illinois among the closely contested States, though our belief is that the Liberals have made a great deal more uproar there than their strength will justify. As the result is so near, there is no use in prophesying. Many Republicans believe Greeley will carry no Northern State, and we think this a not unreasonable view; but it is only about the amount of Grant's majority that there is now any question in any quarter.

The *World* has practically given up the Presidential contest in a philosophical article intended to show that it makes little difference who is elected, which is a concession of some value, as it was the firm belief of the Democrats, and of many of the Liberal Republicans, six or eight months ago that the continuance of Grant four years longer in office would prove the ruin of free government in America. They were measurably successful in making converts to this belief, extravagant as it was, until they produced their remedy. When they said that Greeley was the only hope of the country, people began to lose confidence in what they said about Grant, and have been losing it steadily ever since. Indeed, the experience the country has had with them is not unlike that which people sometimes have with lunatics. A crazy man will often tell strangers a very plausible and coherent story about the persecutions of which he is the object, and the losses and vexations to which his enemies subject him, and obtain general credence; but when he comes down to details, and tells you that his own mother and the pastor of his church often pass the night under his bed, on all fours, pushing up the mattress with their backs, his tale assumes quite a different aspect. So the public was really getting alarmed by the accounts some of us gave of the President's ignorance and usurpations and of the abuses of the civil service, until we introduced Greeley as the great administrative reformer. Then there came a terrible laugh, and people began to see a queer, wild look in the Liberal Eye, and wonder they had not remarked it before.

The farce will be brought to a close on Tuesday, and all good causes will be the better of its termination. In place of the usual

exhortation to all good citizens to vote early and on the right side, and go round and see that their friends vote too in the same way, we hereby remind the "organs" that there are only three days left now for the production of "charges." Let them, therefore, examine their drawers and see if nothing has been overlooked. Has no Greeleyite or Grantite minister been selling bad liquor on the sly in the basement of his church? Has no brother editor been carrying off the silver spoon out of the medicine glass of his dying friend? Has no senator been defrauding and brutally beating his sick washerwoman? Has the Attorney-General had nothing to do with the late silk robbery? In short, brethren, is there nothing more that you can say to give anybody pain, or to blacken a fair reputation, or to make your country look to the civilized world like a den of drunken thieves, and thus exalt "journalism" in the eyes of the community?

Popular interest has been almost completely turned away from the Presidential contest by the "horse epidemic," which begins to produce serious business embarrassment, and is apparently by no means so slight or evanescent a thing as was first hoped or believed. There seems to be very little known about the disease, medical science having really bestowed very little attention on animals, whose ailments are, in the main, treated by practitioners of about the same standing as the mediæval barber-surgeons, and who are mighty with drugs and "liniments." The principal feature of the disease seems to be an ulcerated sore throat, and it was supposed that a favorable change in the weather would arrest its progress or moderate the symptoms; but the weather has changed, and the malady continues to spread and assume a severer type. The increase in the number of fatal cases is hardly so serious an indication as it seems, inasmuch as large numbers of sick horses are being worked, either through necessity or cupidity, and work in many or most cases doubtless means death. At this writing there are no signs of improvement. The inconvenience caused by the stoppage of traffic is assuming grave proportions. The effect on foreign trade bids fair to be almost disastrous, and where the remedy is to come from it is hard to see. No mechanical substitute for the horse labor of a great city could be produced for months, and the epidemic is raging over a very wide area. Even if it were not, fresh horses could not be brought here. There is one good that may come out of the pestilence, and perhaps must come of it, and that is the total withdrawal of the horse from the regular passenger traffic of large cities. The way in which our car and omnibus horses are now worked and lodged ought to have brought a horse plague long ago, and the stables ought to have produced a man plague. If people are to be transported on rails, the work ought to be done by steam-engines of some kind, even in the streets. Most New Yorkers and Bostonians are now drawn from their business to their homes like pigs, and the animals that draw them are literally tortured to death, for overwork is torture, and torture of the worst kind.

The legitimate weapons of anti-Greeley warfare are too numerous to justify assaults on the Sage like that perpetrated in the *Times* on Friday. That paper published an "unearthed" letter of Mr. Greeley's, written two years ago to Mrs. Josephine Griffing, and tendering some wholesome advice in regard to her mode of befriending the blacks in Washington. To those who understand the circumstances of the case, the protest will be thought creditable to the good feeling and judgment of the writer. It was, in fact, a proper rebuke to the well-meaning but unwise philanthropists whose charity was tending to pauperize the whole black race in the District of Columbia, and if it has any present "interest to colored men," as the *Times* seems to think it has, it is not as a piece of "heartless and impertinent interference with a scheme of benevolence"—we

quote the *Times* once more. Mr. Greeley's bad (and not "unmistakable") handwriting is doubtless responsible for his seeming to call the blacks "an easy, worthless race." The context clearly shows that careless, thoughtless, or heedless was the epithet intended.

Mr. Wendell Phillips has fallen in among an evil and adulterous generation, who do not know a prophet when they see him and hear him, and indeed act as if prophets were bores. He wrote a letter for the benefit of the nominating convention in the Fifth (Mass.) District, giving them a mass of overwhelming reasons why they should nominate Mr. Buffum, a Labor Reformer, for Congress, but instead of surrendering, they only gave Mr. Buffum one vote, and nominated Mr. Gooch, who is, Mr. Phillips says, "a worthy, intelligent gentleman," but not "a live man," and his nomination is an insult to the Workingman. It is getting to be the general opinion in other parts of the country, we think, that the Labor Reform Party in Massachusetts ought either to grow strong, or die, or hold its tongue. It makes a prodigious noise in "halls," and is under the guidance of the wisest man of this or any other age—a man who never made a mistake, and never said anything that was not only true in a general, loose, domestic way, but strictly and literally true; and yet the politicians seem to care no more about it than about the noise of the wind in a pine-tree, and it makes hardly more show at the polls than the Graham-bread movement or the movement to remove the national capital to St. Louis.

A decision has been rendered during the past week under the Treaty of Washington, which takes away from the politician the last bone of contention between England and the United States. The Emperor of Germany has decided the Northwest boundary question in favor of the United States. The Administration having telegraphed its thanks for the care and attention bestowed by Germany upon this vexatious question, and the English press having had its final grumble over what they would call in France the "treachery" of the Emperor, the San Juan difficulty may be said to be at an end. The question practically was this: whether, under the Treaty of 1846, which established the boundary between the United States and British America, the cluster of islands (of which San Juan is one, and the most significant) lying east of the Haro channel, between Vancouver's Island and the mainland, belonged to Great Britain or the United States. It was a question of the interpretation of a very loosely worded instrument, relating to a matter not of vital importance to either country, as any one can see by looking at the map. As a "difficulty" it had some value, for it furnished a means of intelligent occupation to diplomats of both countries, and would have afforded a convenient *casus belli* to either country whenever one was wanted. It is a relief to have it out of the way, and fortunate that the American claim was allowed. "Fifty-four forty or fight" was a very good party cry in Polk's time, but "a hundred and twenty-three fifteen west longitude or fight" would never have done as a slogan at all.

To an age which has lost its sense of wonder, the horse distemper easily overshadows the event of the week which is by all odds the most marvellous and inspiring. A news despatch from Australia, *via* the Overland Telegraph and its connecting cables, dated Melbourne, October 24, was printed in our Saturday morning papers all over the country, from New York to San Francisco. The possibility of this achievement was of course contained in the successful working of the first Atlantic Cable, but it will still be long before we can find it perfectly natural that twenty-four hours only, or fewer, separate us from the antipodal continent which steam communication has but just begun to make seem neighboring. The remarkable feature in this case is the building of a line eighteen hundred miles long across the wilderness, and almost desert, of which the English settlements in Australia form merely a fringe along the coast. It was an undertaking certainly not unparalleled, but pro-

bably unsurpassed of its kind, and in its consequences is likely to resemble more our Pacific Railroad than our own overland telegraph. It has already made useful additions to the geography of the interior of Australia, and has begun to be used not only as the thread along which to string new settlements, but as the base of departure for several exploring expeditions in the waste on either side. It offers a fresh illustration of the value to mankind of the solitary labors of men devoted to science, when the perilous transcontinental pilgrimages of Burke, Stuart, and MacKinlay are followed within ten years by a telegraphic service that binds the colony to the mother country and the island to the mainland, and adds one more link to the solidarity of nations.

A few days ago Mayor Hall made one of his melodramatic appearances in court, and insisted on a speedy trial of the charges against him connected with the Ring frauds. A jury was speedily empanelled, the Mayor making few objections, or none at all; indeed, instead of making use of the dilatory machinery which served him so well on his first trial, he seemed only anxious to bring matters to a crisis as speedily as possible. As soon as the jury was empanelled, the Mayor addressed it in a few words, hailing it "as the star of his deliverance," referring in feeling terms to the cruel imputations on his character, assuring the jury that his professions of readiness for trial were no poor bravado, for there had not been "a second of time in the day or in the night" that he had not been ready to meet his accusers. The trial then began, and is likely to be a short one, and not so thrilling as the first, at which the demon Garvey made his first appearance on the stage. The present indictment covers the previous six, and embraces all charges, including "negligence," connected with the proceedings of the Board of Audit with which—"under the inscrutable decrees of Providence," according to his own statement—this unfortunate man had "happened to be connected." It will be a great pity should it be found impossible to convict Mr. Hall under this indictment, for there is no one in the city who does not believe him guilty of connivance at the Ring frauds, and his escape will be taken as a sort of demonstration that the popular belief in the safety of rascality on a large scale is after all correct. The evidence that has been put in thus far does not do much to connect Hall with the frauds. The main facts in the case are really these: 1st. That Hall, having been entrusted with the duty of auditing claims against his constituents, in conjunction with two others, agreed with the other two to neglect the performance of this duty, and transfer it to a third person, asking no questions, and allowing him to do exactly what he pleased, without supervision or restraint. 2d. That this was done by a man who had been fifteen years in city politics, knew the character of city politicians thoroughly, and must have been morally certain that the object for which the reference was made was no good one. 3d. That when the frauds were discovered, instead of expressing surprise or regret, he assumed a bold front, laughed at the whole matter, dared his constituents to do their worst, and has to this day never given the slightest evidence that he ever regarded the frauds themselves as any more than ordinary moves in the political game.

Gambetta still continues to furnish the principal topic of French politics, and he makes it fruitful by delivering plenty of speeches. But he has stirred up an old-fashioned quarrel between the Radical and Conservative press. The latter are raking up all the horrors of the Revolution, much in the style in which De Maistre did it, by way of showing that the modern Republicans are the legitimate successors and heirs of the Marats and Robespierres; while the Radicals will have it that all Conservatives are Bourbonists in disguise, and would like to restore the *taille* and the seigneurial "droits" and persecute the Protestants. The discussion is very exasperating in a country like France, but there is one good sign about it: each party evidently looks on with want of moderation as the worst charge it can bring against its enemies; but there are also bad signs in it, and the worst is the one to which our Paris corre-

spondent calls attention—the way in which French politics is dominated by one man: if not Bonaparte, Thiers; if not Thiers, Gambetta; if not Gambetta, some one else. There is no more indication of the rise of *law* above men than there was under the Empire, though adhesions to what is called the Republic continue to be very numerous. M. Simon, the Minister of Public Instruction, has issued a circular which shows that he at least has learnt something, proposing to modify the French educational system in the direction of those of England and Germany; that is, by the introduction of greater freedom, the diminution of supervision, the increase of open-air sports and gymnastic training. At present, the one “manly exercise” in which young Frenchmen of the middle class excel is fencing, and the conscience and self-reliance of the youth of both sexes are sapped by minute espionage and suspicion.

The Germans are going into social science with characteristic love of drudgery and painstaking. A sort of revival has sprung up among them on the subject, the leaders of which are mostly college professors and young men, and between them and the “practical men” there now rages, our American protectionists will be surprised to hear, a deadly feud. The “practical” economists in Germany are all, or nearly all, of the Manchester school of free-traders, or, in other words, of the extreme school, who eschew all kinds of government interference with industry, and indeed would confine government to mere police duty; and Prussian policy has for years run in this direction. Not only have all changes in the tariff been strongly in the direction of free trade, but the Government has refrained from taking any of those measures with regard to the regulation of factory and mining labor which have been long on the English statute-book. The German economists have been for some time divided into three schools, the historical, philosophical, and statistical; but the statistical alone has had any influence on legislation. The historical school, which is mostly found in the universities, and is disgusted with the disorder and disorganization produced all over Germany by the tremendous rise in prices, and the impetus given to speculation, by the great influx of capital from France, is now raising its head, and has just called a Congress at Eisenach, in which it declares war against the non-interference men, and calls for legislation regulating trade, industry, commerce, and labor in the interest of social morals, and in order to the more orderly and regular distribution of the products of labor. The mediæval system, it acknowledges, is its ideal, and while it does not hope or wish to bring it back, it thinks some modification of it must be attempted in order to prevent modern society from going to pieces. The principal speaker at the Congress, however, made propositions which the other members considered so wild, that most of the first session was passed in refuting him. By the time they had finished, he was himself so out of conceit with his own resolutions that he withdrew some and explained away others. In fact, the “practical men” have thus far carried the day.

The efforts to raise money in this country for the suffering victims of the floods in the valley of the Po, in the early part of this year, can hardly have ceased when they are again rendered necessary, and doubly necessary, by inundations which have taken place within the past fortnight, and apparently on a scale far exceeding that of the former disaster. The regions about Mantua and Ferrara are particularly mentioned as being afflicted. However it may be with Mantua, Ferrara has had forebodings, now completely justified, and if the complaints which it has sent up since 1865, and as late as the middle of last month, are warranted by the facts, the Government engineers are responsible for some portion, at least, of the present widespread destruction of life and property in that province. It seems a little extraordinary that the high engineering talent of the nation which accomplished the Mont Cenis Tunnel should not have rendered this periodical overflow either impossible or harmless.

Spanish finances, like most other Spanish things, are in a bad way. The hard facts of the case are that there is a floating debt of \$84,000,000, which no government since the Revolution has shown its ability to deal with, and there is a deficit in the revenue this year of \$20,000,000. The last finance minister but one, Señor Angulo, could think of no better mode of making ends meet than clapping a tax of 18 per cent. on the interest of that portion of the debt held by foreign creditors, but this met with no acceptance at home, and abroad was treated as an attempt at robbery. His successor, Señor Canacho, proposed to pay one and a half or two per cent. of the foreign obligations in cash, give bonds for the remainder at the market price of Spanish securities, and the foreign creditors received this proposition favorably, but the Cortes did not even consider it. The present minister, Señor Gomez, now proposes an ingenious kind of loan, the leading feature of which is the payment of two-thirds of the interest due to the holders of certain classes of the public debt in money, and the other third in Government bonds during the next five years, and a loan of \$10,500,000, the interest of which is to be paid in the same way, to be negotiated by the Bank of Paris and of the Netherlands. This plan is now coming before the Cortes. Señor Gomez estimates the expenditure of the coming year at \$333,500,000: the revenue at \$272,500,000.

A very pretty diplomatic quarrel is raging in Europe over the old Laurium mines, so famed in Athenian history, and which once furnished a considerable portion of the Athenian revenue, but have not been worked for two thousand years. In 1863, a company composed of Italian and French capitalists bought the old ground on the sea-shore, near “Sunium’s marble steep,” from the village, got a confirmation of their title from the Government, and went to work and began speedily to make large profits by merely working over the debris left by the ancient miners, whose work—they were all slaves—was slovenly, and whose processes were of course imperfect. The result has been that a town of 3,000 inhabitants has sprung up around the mines, a railroad seven miles long has been constructed to connect it with the port, forty miles of macadamized road have been made in the neighborhood, and employment at high wages afforded to the surrounding population. But the company have had a funny experience with the brigands. One chief attempted to levy \$10,000 of blackmail on them, and probably would have done it if they had not taken the precaution to have him killed. Another attempted to carry off the Superintendent, who had to call out his armed employees and offer battle under the rules of the military art on the adjacent plain, and the action was only prevented by the arrival of a reinforcement of regular troops from Athens. Finally, the Greek public became too much outraged by the spectacle of the company’s prosperity, and the Government was obliged to pass an act declaring all the debris of the old mines public property, and clapping an enormous tax on the company for the future, and claiming \$400,000 as arrears. This the company could not stand, and offered to sell out to the state for \$2,800,000, but the state refuses to buy, and they are now trying to get the French and Italian Governments to interfere for their protection. The Greek defence is very characteristic, and would have delighted a sophist. It is that the original grant to the company only included the “scoria” or slag left, after smelting, by the ancient miners; that “cevolades,” or ore thrown up by the ancient miners and left there as not worth smelting, do not belong to the company, and that their title to them being disputed, the matter ought to be referred to the courts. The company, however, treats the proposition to submit their rights to the Greek judges in a matter of this kind as a bad joke, and clamor for foreign interference. As nearly all the “smart” Greeks in Greece who are not brigands are engaged in “journalism,” it can be readily imagined that the uproar over the affair at Athens is great, and that it is not likely to draw foreign capital very strongly towards what our politicians would call “the home of Pericles.”

THE JUDICIARY AND THE BAR.

MR. DISRAELI has asserted in one of his speeches, aimed at Sir Charles Dilke, that the American legislative system costs more than the British civil list; from which he would have it inferred that a republic is a more costly government than a monarchy, and that the British nation gets more for its money than it would get should it adopt the governmental system of the American people. Of course the costliness of a government does not come from its being called a republic or a monarchy, nor from its executive head being elective or hereditary; yet nevertheless it is a startling assertion that, with all our simplicity, economy, and niggardliness on the one hand, and the meagreness of governmental detail on the other, we not only get less for our money than the English people, but we actually pay more for the little we do get.

The same thing, we suspect, may be readily demonstrated of the two judicial systems. While the English people pay very high salaries—about \$45,000 a year in currency—to a few eminent lawyers who wear robes and wigs and are addressed as “My Lord,” they receive from them such certainty and exactitude of legal justice, with such promptitude of administration, as to reduce the litigation of a naturally pugnacious and litigious people to a comparatively small compass, and almost relieve the modern law of England from the law’s proverbial uncertainty. The value of knowing what the law is, or, in other words, of knowing what a decision would be if a suit were brought, and of thereby preventing the enormous mass of legal experiments which make up American litigation, cannot be more completely illustrated than by the spectacle of the three superior courts of Westminster, consisting of five or six judges each, carrying along the entire law-litigation (as distinguished from equitable) of the people of England. And this efficiency is in turn illustrated and in some degree explained by the extreme fewness of appealed cases. In our American system, the law reports consist almost entirely of cases carried by appeal from one court to another; in England, there are not enough of these cases to fill a volume, for which reason they are interleaved with the reports of the court where they originated. Thus we find in the reports of last year, that the largest number of cases carried to the Exchequer Chamber from any one court is but nineteen, and that the total of the appealed cases from the three courts—virtually all the law courts of England—is less than fifty.

This extraordinary fact is the most conclusive demonstration of the respect which is paid by the bar and people to the English courts—a respect so practical in its effects as to secure the belief that the decisions are ordinarily the true exposition of the law, from which it would be folly to appeal, and not mere stepping-stones to the court of last resort. Now, if any person on going into a courtroom will contrast the value of the time lost by jurors, witnesses, and suitors, and the amounts paid for retainers, counsel fees, witnesses, travelling, printing, etc., etc., with the salary of the judge who sits on the bench controlling the movements of the complicated machinery below, he will perceive that the dollars and cents, or pounds, shillings, and pence, paid from the treasury for judicial salaries form really the smallest item of the expense which a nation bears in carrying on the administration of justice. Hence we can hardly value too highly a judicial system which by rendering the law “certain” (which means, simply, settled and known) shall prevent litigation; and we can hardly censure too strongly a system which by its uncertainty of administration invites men to invest in the chances of litigation and risk the outlay of additional costs as other men risk the price of a lottery ticket.

Remembering that both systems consist of courts of the common law, we should say that their distinctive characteristics are the extraordinary centralization of the one and the extraordinary dispersion of the other. In the English system, the centralization indeed amounts to substantial unity. The decision of a single judge is reviewed by the other judges of the same court; the decision of a single court by the judges of the other courts; to-day, the Queen’s Bench and Common Pleas review the decisions of the Court of Ex-

chequer; to-morrow, the Common Pleas and Exchequer will review those of the Queen’s Bench. The law is virtually declared by all of the judges constantly intermingling and acting together, and it is impossible for two courts to be long apart or far apart. Further than this, the same unity extends downward as well as upward, for the chamber business of the three courts is performed by one, each court successively taking charge of it for a year. The conflict, therefore, of orders and injunctions with which we are so familiar cannot exist, and the bar, while giving different names to the different courts, and styling one judge a justice and another a baron, still finds them all congregated under a single roof administering one system of laws as parts of one judicial system.

The Federal judicial system, on the contrary, is broken up into different strata, the district and circuit courts. (The Supreme Court we throw out, as being merely appellate and taking the place of the House of Lords.) The lowest stratum is next broken up into nearly fifty isolated courts held by single judges, having no official communication with each other. All of these judges are underpaid; some of them are comparatively idle, their duties not filling a month of the year; others are overworked and wearied, wearing those ruts in their lives in which overworked, isolated men are pretty sure to travel. If two of these weak tribunals decide a point of law in two different ways, it ordinarily must follow that there will be two appeals. But the imperfection of the system was such that the circuit was often held by district judges, and, at best, it now amounts to little more than one man sitting to review another’s work.

As such a defective system of course sent up to the Supreme Court, for the only real review that exists, all cases that could possibly be carried there, it followed that the Supreme Court fell some three years behind its work. To accomplish a judicial reform in this state of things, it was necessary, first, to relieve the judges from other duties, so that they should reduce their enormous docket; and, second, to improve the administration of justice in the courts below, so as to lessen the ratio of appealed cases. For the first evil, Congress created nine new circuit judges, and, to a great extent, relieved the Supreme Court judges from circuit duty. The second evil Congress seemed utterly unable to comprehend or to grapple with. Instead of appointing these new circuit judges—which is only a step towards the complete isolation of the circuit courts—it is obvious that Congress should have merged the district and circuit courts and united the district judges of each circuit into a court of review. Requiring them to hold court in each State of their circuit, prohibiting the judge who tried the case from sitting to review it, and paying them liberally for their expenses, would have made each circuit much like one of the courts of Westminster Hall; while the occasional presence of a judge of the Supreme Court would have tended toward the uniform action of all.

When we pass to the State tribunals, we find much diversity, but nevertheless a progression toward this same principle of division and subdivision and isolation. The former constitution of New York probably reached the limit; for while the people of England, with nominally three distinct courts of law, had one harmonious administration of legal justice, the people of New York, with nominally one Supreme Court, had really eight distinct and often jarring legal tribunals. Added to these were two courts, in the great centre of commercial litigation, of almost equal jurisdiction and importance. It is plain enough that the Court of Appeals must have become overloaded in the task of gathering together all of these conflicting elements, and reducing, after years of delay, judicial diversities into something like judicial unity.

When these systems are analyzed, and their inherent weakness laid bare, no one can suppose that any great respect could ever be rendered to each of their multiplicity of courts. There is in them no congregated whole which can command respect. The controlling principle is not diffusion, but belittlement. The division is in practical effect so complete that the parts cease to be parts and become paltry unities. The division also reoperates in another direction; for, as there is no great judicial power for the bar to re-

spect, so there is no united bar to scrutinize and uphold the judiciary. When we remember how completely the legislative bodies of the country are in the hands of lawyers, it seems at first inexplicable that lawyers should have done so little for the judiciary and for their profession. With every other profession and trade and interest so slightly represented in all our legislative councils, we might reasonably expect that the judicial system would have received the strongest support from government, and have been built up into a state approaching perfection. But the American bar of late years has never stood face to face with the judicial power and realized the duties which each owes to the other. When a Barnard or Cardozo has mounted the bench, the immediate remedy has been to carry business into some other court, and to regard the disgrace as affecting only one of the units of the judicial system, and not the judiciary. When the injustice and tyranny have grown insupportable, the fraction of the bar directly oppressed have not received the support of the entire body, by whom it has in fact been regarded as a local affair. In England, the whole judicial power is directly confronted by an entire and united bar. A Barnard or Cardozo upon the bench of any of the three courts would directly affect every lawyer in England, and he would feel that the scrutiny of every lawyer was upon him.

And this brings us to a scheme, which has been provoking much sharp discussion in England, looking toward a limited decentralization of the judicial power. The Judicature Commission, in August last, reported to Parliament a proposition in effect to increase the jurisdiction of the county courts and to concentrate them into what has been termed provincial courts. The commission is made up of judges, the Attorney-General, and eminent members of the bar, and among others Sir Roundell Palmer. If the commission had reported with anything like unanimity, its recommendation would probably be adopted; but it is almost equally divided, and many of its most respected members are of the minority. Among them is Mr. Justice Blackburn, the leading judge of the Queen's Bench after Chief-Justice Cockburn, and he gives this very pointed testimony to the value of a united and powerful bar:

"I attach much importance to keeping up the great central bar of England. The only real, practical check on the judiciary is the habitual respect which they all pay to what is called 'the opinion of the profession.' And the same powerful body forms, as I think, a real and the principal check on the abuse of patronage by the Government."

These county courts, it must be understood, are by no means the same as the county courts of the United States. The judges are barristers receiving ordinarily £1,000 and their expenses, which sometimes amount to £200 more. But though the purchasing power of their pay in gold is about equal to the paper-money salaries of the judges of the Supreme Court of the United States, their common-law jurisdiction is limited to £20 in cases of tort and £30 in cases on contract; and 80 per cent. of their business consists, it is said, of cases below £5. They are, therefore, small-debt courts respectably managed—so respectably that, while the appropriation made by Parliament for 1871 was £414,706, the fees collected and paid into the treasury by the county courts amounted to £358,031, leaving to be borne by taxation only £56,675. We may also note as one of the poor man's advantages in a respectable and well-paid judiciary (even for small-debt courts), the system popularly known as the "banking business"; which is the discretion given to these judges to withhold execution, and allow the judgment debtor to pay by instalments. That there is some defect in the English system is universally conceded. The Judicature Commission states it thus:

"There are two classes at least of the subject matters of litigation—those which can bear the expense of being tried before an elaborate central tribunal, and those which require a cheap, simple, and local procedure and trial. But there is a third or intermediate class of cases which frequently involve questions of complexity and serious importance to the persons interested, yet the expense of taking the parties and witnesses to any considerable distance from the place where the cause of action arose and they probably dwell, is generally wholly disproportionate to the value of the matter in dispute."

It is this intermediate class of cases for which the change in the county courts is proposed, and it will be interesting to watch the

manner in which some improvement will be worked out by the able minds now in conflict. But from all that has been proposed, the judicial power of England is in no danger of immediate decentralization; for the proposition which has divided the commission and caused all the uproar of printed discussion is to increase the exclusive jurisdiction of these courts to £50. Yet it illustrates how clearly the bar and bench of England perceive the benefits arising from their relative positions, and how jealously they regard any proposition which may divide the influence of the one or lessen the greatness of the other.

THE POSITION OF THE HORSE IN MODERN SOCIETY.

IN spite of the inconvenience, as yet on the whole slight, caused by the "horse epidemic," there are but few persons interested in public health and morals who will not be glad of it, if it calls public attention in a serious way to the necessity for some change in our treatment of horses, at least within the limits of great cities. What is the exact nature of the difference between our duty to our fellow-man and our duty to the lower animals, or whether there is any difference at all; whether there is any difference in kind between cruelty to a horse and cruelty to a servant; whether the one can be practised without serious injury to the moral nature any more than the other; and whether, in short, "the beasts of the field" are not entitled to a higher place in systems of morality than has yet been accorded them, are questions which are now at last beginning to receive a good deal of discussion, but we do not purpose taking them up here. We merely wish to point out the striking illustration the prevailing horse disease affords of the importance of the part which this animal has come to play in our commercial civilization, and of the close relation there exists between his physical condition and our material interests. Our talk has been for so many years of the railroad and steamboat and telegraph, as the great "agents of progress," that we have come almost totally to overlook the fact that our dependence on the horse has grown almost *pari passu* with our dependence on steam. We have opened up great lines of steam communication all over the country, but they have to be fed with goods and passengers by horses. We have covered the ocean with great steamers, but they can neither load nor discharge their cargoes without horses. We have collected at the mouths of our great rivers and at the intersections of our railroads vast bodies of people, covering miles on miles of area with their dwellings and factories, but have left them wholly dependent for their intramural travel and for their regular supplies of food and clothing on horses. More than this, we have within the last few years made horse labor an almost essential condition of the protection of our great cities from fire.

This increase of our industrial and commercial dependence on the horse has, however, been so gradual, so quiet, and has issued so naturally from the state of things prior to the introduction of steam, and has been so completely overshadowed by the great applications of science to industry and locomotion, that little or no thought has been bestowed on its dangers. Indeed, most of us have well-nigh forgotten that the horse was an animal like ourselves—liable to pains and aches and death. We have come to think of him as a machine, on whose endurance we could calculate as on that of an engine, and for whose mortality we could make ample allowance in our business under the head of "wear and tear." We really ought, therefore, to be thankful that the present epidemic has brought us face to face with the startling fact, that the sudden loss of horse labor would totally disorganize our industry and our commerce, and would plunge social life into disorder, would threaten the lives of hundreds of thousands of human beings, especially if it occurred in winter, and might expose our great cities to destruction by fire. In short, we are now for the first time forcibly reminded that a plague might break out among horses, as plagues have broken out among men, which would sweep them away by the hundred or thousand every day, and which would momentarily baffle science. What we would now bring to the notice of the public is, that in our large cities

horses are exposed without let or hindrance on the part of sanitary authorities to just those conditions from which the great pestilences among human beings have sprung and do still occasionally spring. We take precautions in the public interest against overcrowding, filth, and absence of ventilation in tenement-houses, but we take no precautions against the overcrowding, filth, and want of light and ventilation of city stables; and yet every one of the large stables may fairly and properly be called a hot-bed of horse disease.

Light is as necessary to a horse's health as to that of a man, and yet nearly all our horses live, except during their few hours of work out of doors, often in the case of the city horse not over two or three, almost in complete darkness. In the best and most commodious city stables they have nothing more than a twilight. Moreover, the lungs of the horse are just like those of a man—only larger; their functions are precisely the same; the contact of oxygen with his blood is just as necessary for the preservation of his health and strength; nevertheless, nearly all our stables are built and regulated apparently on the theory that the horse does not need fresh air at all. The windows are small, and are either not made to open or are never opened. There are, in the case of horses kept for pleasure, and of horses kept in the country, mitigations of their lot which we need not point out; but in the city the working horse is treated worse than a steam-engine or sewing-machine. He is almost invariably, if his owner be a poor man, shut up during sixteen hours out of the twenty-four in a small, noisome den, every plank and beam in which is impregnated with foul exhalations, and which probably stands in a fetid alley, or behind a filthy yard. If he belongs to one of the great car companies, or omnibus companies, or livery-stable keepers, he is either immured in a cellar several feet below the ground, into which the light and air *cannot* come, and which is probably damp, or else kept in large rooms, with low ceilings and small windows, and in which light and air are not *allowed* to come, and in which he is packed together with several hundred of his fellows, almost as closely as they can stand together, up to his knees in half-rotten straw, and with fermenting manure all around him. The result is that, as any one may ascertain for himself, the stench of these places when the doors are opened in the morning is almost insupportable; and it is as certain as anything can be that the constitution of a horse which passes many nights in them rapidly gives way, and he dies; but he is set down in the books as having been "worn out" by hard work. The fact is, he dies of foul air and darkness and dirt—dies, in short, for want of the ordinary conditions of healthful animal life. If, instead of dying in this way singly, horses should now any day take it into their heads to fall sick by the hundred, and die of an equine "black death," it would serve us right. We could not justly complain of it.

The condition of the horse among us is a disgrace to our civilization. The manner in which we permit him to be used by car companies for local transportation, the pavements with which we supply him to do his work upon, and the dens in which we allow him to be lodged, are worthy of the Dark Ages. Our indifference to these things is like the indifference once shown about the physical condition of workmen; the result may not be one which will rouse our sympathy or our fears, as the great human pestilences once did, but it may be one from which our manufactures, and commerce, and social life would suffer terribly. We tolerate in this city about a dozen great horse *ergastula*, every one of which not only disgraces us as a civilized community, but as a community which makes a pretence of knowing something of sanitary science; and the only excuse we offer for it is that the victims of these places are merely "private property." We now see that they are not simply private property; they are wheels in our great social machine, the stoppage of which means widespread injury to all classes and conditions of persons, injury to commerce, to agriculture, to trade, to social life; and that the sanitary inspection of horses and their dwellings during their life is just as necessary as sanitary arrangements for the removal of their bodies after death in every well-regulated municipality.

GAMBETTA'S CHANGE OF FRONT.

PARIS, October 11, 1872.

THERE is not much that is really republican in the Republic of M. Thiers; and what has been sometimes called the "loyal trial" of the Republic is merely the "loyal trial" of M. Thiers. Thirty-six Departments are still in a state of siege. The whole machinery of centralization works as smoothly and as irresistibly as it ever did. The Minister of the Interior, placed at the centre of his telegraphic cobweb, like a political spider, sends to the eighty-six capitals of the eighty-six Departments the decision of M. Thiers on every question, great or small. If there is an institution which may particularly be considered as inherent in a republic, it is the custom for all politicians to come before the people and to express freely their sentiments. Gambetta, in this respect, is trying to educate the country. He has just been stumping, as you say in America, a large portion of France, and made a succession of speeches. Some time ago it was noticed that Gambetta had made a secret alliance with M. Thiers. Though he was the leader of an opposition, he was practically an ally. He induced the Left of the Chamber to vote the law on the taxing of raw materials, which has a protective character, though the Left defends theoretically the principle of commercial freedom. Gambetta supported M. Thiers because M. Thiers was the founder of the Republic. As long as he kept that name he was constrained to give him his support against the monarchical majority of the House. This moderation astonished those who have always known the intemperance of Gambetta's character, the violence of his passions. But it was not the first time that he had shown some prudence. At Bordeaux, he threatened to make a *coup d'état* to arrest M. Jules Simon, who was the bearer of the decree of the Government of Paris which convoked the Assembly. Orders were already given for the arrest of all those who supported the Government of Paris against the Government of Bordeaux. Bismarck wrote a single line which at once sobered Gambetta. He gave up his dictatorship and retired from public life. When the Commune broke out, one of its principal leaders was Ranc, an intimate friend of Gambetta and his prefect of police at Tours and at Bordeaux. Most of the leaders were what I may call Gambetta men, who had always defended the war à outrance. Gambetta remained prudently at San Sebastian in Spain, under the orange-trees of its lovely terrace, waiting to see which side would win, Versailles or Paris.

His is one of those Italian natures which are hardly well understood in France. It would be a curious calculation to see for how many years France has been really governed by Italians. I will only name Catherine de' Medici, Concini, Cardinal Mazarin, Bonaparte. Thiers was born in Provence, a province in which the Italian influence was very visible. Gambetta's father was a Genoese, who settled at Cahors as a grocer. He has a truly Italian appearance and an Italian nature. I don't remember who made this admirable eulogy of Turenne as a military leader: "His prudence belonged to his temperament, his temerity to his reflection." This last sentence could also be applied, in another sense, to Gambetta. He has no real political passion; he can appear violent, brutal, headlong. These outbursts are mere effects of his calculation. He is never angry, and he speaks so often as an angry man that, with his long flowing hair, he is compared to a roaring lion. It was thought by many that the lion had become a lamb. He had lately been moderate to the point of dullness. It suited his purposes to play that part, so that M. Thiers could reconcile France to a Republic which he called "profoundly conservative." M. Thiers had been completely successful. One by one the members of the old constitutional party had come to him, taking their places in the new *cadres* of a great party open to all. His triumph had been too complete; there was no longer any serious opposition. M. Thiers, under the name of President, had as undisputed authority as Napoleon III. ever had. He received the same ovations; the same mayors presented to him the same addresses; the same guns fired the same salutes; the same official journalists wrote the same articles on the impotence of all parties and the virtues of the existing régime.

Gambetta has found it necessary to interrupt this monotony. He felt that he would soon be forgotten; so he went to Grenoble and made a sensational speech which threw the whole country into a state of agitation. The French *bourgeoisie* was getting accustomed to the idea of a conservative Republic, of a Republic managed by old royalists, of a Republic without republicans. Gambetta threw off the mask and gave his own definition of the Republic. He declares that when he speaks of the republican party, he means "those republicans who have always been republicans." Again: "we must," he says, "distinguish among our recruits; we must be prudent, vigilant, suspicious." Here we have the keynote, the old Jacobin cry. We have not yet a law of the "suspected"; but we have already great classes of "suspected." Gambetta tells us that it is too late now for all those parliamentarians, all those partisans of fallen government, who are ready to join

the conservative Republic. "Why," he declares, "they make themselves republicans because they don't know what to do. We will leave them—as the early Christians used to do—at the door of the church to do penance." In 1848, the distinction was made between the republicans of the *veille* and those of the *tendemain*. Gambetta does not use these words, which have become ridiculous; but he will have nothing to do, he says, with eleventh-hour laborers. He thunders against those "who would take the Republic, place her on a chariot adorned with flowers, and bring her under the knife of the murderers." Here, again, we have the true Jacobin ring, the very phraseology of Barnave, of Danton, of Robespierre. When Gambetta, a law student, lived in the sixth story of a furnished house in the Rue Bonaparte, he had no other literature than the reports of the Convention. He learned them by heart. He is a mimic, an actor. During the war his proclamations, his bulletins, seemed to be addressed to the armies of Sambre-et-Meuse. Now, he speaks of the "Republic, adorned with flowers and conducted to the scaffold." The Danton in him burst forth when he called the conservative Republic "an ignoble comedy." The Comité de Salut Public would approve of these words: "Let us remain faithful to the true method. We approach the goal. Our motto is patience, vigilance, firmness. . . . We know all the machinations of our enemies, and we will, if need be, deal with them as they must be dealt with." Remember that these machinations are but the lawful claims of those who placed M. Thiers in power, with the distinct understanding that the question of the form of government should remain open as long as the French territory should not be liberated. In this long and intolerant definition of the true Republic not a word is said of the Communists, of those who took arms against the Assembly, under the very guns of the Prussians, so as to give them the spectacle of a French civil war; not a word of condemnation is pronounced against the men who seized and shot the hostages and who tried to burn a capital they could no longer terrorize.

When Louis Philippe was still an aide-de-camp of Dumouriez, he was sent to Paris with the report of the battle of Valmy. He was received by the Council of Ministers. A man touched his shoulder while he was speaking to the Minister of War. The young officer turned round. "I am the Minister of Justice—Danton." Louis Philippe could not disguise his emotion. Here was the man who had ordered the massacres of September. Danton seemed to understand his thoughts. "Young man," said he to him, "you don't yet understand politics." Gambetta understands politics. As long as the reaction against the horrors of the Commune was felt, he remained silent. Now he comes forward. He dares not yet make a defence of the Commune; but this is the way in which he speaks of the Assembly which vanquished the Commune: "Those *gens* of Versailles, of whom there is nothing to hope, with whom there is nothing to do." The Chamber has not yet begun to exercise the constituent rights which it pretends to have; but Gambetta is eager for a dissolution. "The dissolution," said he, "need not be pronounced: it is practically accomplished. The Chamber of Versailles is a *cadaver*, and the grave-digger is all ready to tumble it into the grave and to cover it with earth."

The dream of the conservative Republic is come to an end. Behind M. Thiers we see another, a younger Dictator, who will bring with him a new generation of ardent politicians; and behind these there is the great host of fanatic Communists, who already consider Gambetta as a reactionist. There is no constitution, no limitation of powers, no system of checks. Demagoguery is already sweeping like a tide over all the great cities of the South; it is only kept back in Paris by the state of siege and martial law. M. Laboulaye has just published a long series of letters in the *Journal des Débats*, trying to make the framework of a republican constitution adapted to France. But he confessed a few days ago, in an American drawing-room, where he felt probably more free to speak his inner thoughts, that the public turned a deaf ear to his advice; that nobody cared less for a republican constitution than the actual President of the Republic, than Gambetta, who thinks himself already President, and than the Republican party at large. M. Thiers lives happily in the lovely palace of the Elysée, surrounded with generals, with courtiers, with the respectful representatives of foreign powers. He professes not to feel any uneasiness. He treats Gambetta as a mere spoiled child. "He is not a real lion," he says, "he is a lion of the botanic garden. I can always tame him and cut his claws." Bismarck, who is a profound politician, and who sees that under the present régime everything is gradually dissolving, treats M. Thiers with marked courtesy; he cajoles him, and M. Thiers does not see through this coquetry. The *habitués* of the Elysée shrug their shoulders when the Commune is named; they only have the Empire on the brain. The day before yesterday M. Thiers discovered that Prince Napoleon was in the house of a friend in the country, and, on his own responsibility, he sent a force of police to oblige him to leave the French territory, though there is no law of banishment against the Bonapartes.

All governments seem to be blind. Napoleon III. never saw any danger for himself or his dynasty except in the Orléans. He persecuted them, he confiscated their property; yet in fact the Orléans had nothing whatever to do with the revolution of the 4th September. It is the same now. The Bonapartes would not be in the least dangerous at present, if France had a well-ordered and well-established government of any sort. The country could only condone Sedan if it found itself in mortal fear of the Communist party, and if no dynasty was found but that of the Bonapartes ready to quell the spirit of revolution and of socialism. There is not a man in France who does not feel that France would appear very contemptible in the eyes of the world if it threw itself again at the feet of the Man of Sedan. All the abuse, the execration, then lavished on him would fall back on the country itself. A call for the Bonapartes would be tantamount to a declaration of impotence, of political imbecility. The Bonapartes are therefore the most distant danger; but they are, nevertheless, treated like the nearest danger, and the danger of Gambettaism and radicalism is overlooked by the Government. M. Thiers used the Commune in order to terrorize the Assembly of Versailles into accepting the Provisional Republic. He now uses Gambetta, consciously or unconsciously, in order to terrorize the Assembly and the country into an absolute submission into his own so-called conservative Republic. But if he uses Gambetta for the hour, Gambetta uses him for the future; and this curious and truly extraordinary combination of forces leads the country in a direction which is adverse to its own instincts. The pen of the Cardinal de Retz only, or of Saint-Simon, could well describe the complicated features of this political situation. Two semi-Italians have again the fate of France in their hands. They are half allies and half enemies. They attack each other publicly to suit their parties, and have private agreements. Each admires the other, and each wishes to be feared by the other. They are both *parvenus*, haters at heart of old well-established and traditional grandeur, of priests, kings, and noblemen; both passionately fond of military pomp, eager to surround themselves with gilded uniforms; both incapable of any personal attachment, of generosity, of any feeling of mercy; hard politicians, restless, fond of intrigue, of the sound of their own words; fond of art, though devoid of taste; both genuine children of the French Revolution, and imbued with all its prejudices and passions; both believers in force more than in justice. But force, alas! is now turned against France; and Germany has not more to fear from Gambetta than from Thiers.

Correspondence.

THE PENNSYLVANIA JUDICIARY.

TO THE EDITOR OF THE NATION:

SIR: The London *Spectator* of Sept. 7, in the course of an article on the "American Judiciary," says: "The corruption of the Pennsylvania bench in particular was notoriously as great as that of the worst of the New York judiciary." I believe this accusation to be grossly unjust as it regards the great body of the New York judges, and it is wholly without foundation in Pennsylvania. It is not only untrue, but there is nothing to afford excuse or color for such an imputation. I speak with some authority from a large experience, which has brought me in contact with men from all parts of the State, and my assertion will be confirmed by every Pennsylvanian. The proofs are so numerous that it is difficult to bring them within the compass of an article. The present Chief-Justice of Pennsylvania, after a service of fifteen years, was recently before the people as a candidate for reelection. He was a Democrat, and his opponent a Republican. Our journals are not overscrupulous during the heat of an election, and it is a misfortune that such an office should be subjected to the chances of party contest. Yet the Republican papers contained no word derogatory to the purity of the Chief-Justice, to his impartiality as between man and man, or to his fearlessness in the face of any corporation, however powerful.

His high qualifications were fully and generally conceded. The points of attack were, that his decisions showed him to be a strict constructionist and an advocate of State rights, who ought not to be chosen by the supporters of a national government. To Pennsylvanians the accusation of the *Spectator* is simply preposterous. We know the judges, their simple and laborious lives, and that they leave little to their heirs except in the rare instances where they inherit a patrimony or have achieved a competence before their elevation to the bench. A charge which does not condescend to facts, and can only be met by a general denial, may leave a stain where it is least deserved. Fortunately, in this instance evidence can be adduced that ought to satisfy any candid mind.

Such is the standing of the judiciary in this community, that many important offices which were formerly elective have, within twenty years, been placed in the gift of the courts. The Board of Health, the Guardians

of the Poor, the Inspectors of the Prisons, the Board of Public Education, and, recently, the Board of Public Trusts (which last is the trustee in the place of the City of Philadelphia of the immense property, including the Girard Estate, so lately held by her), are appointed in this county by the judiciary. These trusts involve an annual expenditure of several millions of dollars, and of course the custody of a much larger sum. This increase of power was not desired by the courts, and they have, on the contrary, sought to avoid a dangerous responsibility, tending to bring them into conflict with a race of politicians who are accustomed to regard such offices as their legitimate spoil.

But it was not easy to decline the flattering confidence reposed by the community in the integrity and good sense of the judges; and although the propriety of loading the courts with patronage foreign to their appropriate function has been questioned by far-sighted men as dangerous to the independence of the judiciary, yet the experiment has confessedly been successful in its immediate results. The judges have, as a rule, gone out of the ordinary field of politics to choose men eminent in private life, who have administered the public money with a care and fidelity which is not always seen on either side of the Atlantic.

These remarks may suffice to show that the *Spectator* has been laboring under a false impression. It is a subject of regret that a journal which is distinguished for sound thought and earnestness of purpose should have been betrayed into an error so well calculated to increase the sentiment of distrust between the United States and England. It is difficult for an American not to be provoked by such a charge, and no Englishman who believes it can regard America as a country in which life, liberty, and property are secure.

PHILADELPHIAN.

"DIFFERENT TO," AGAIN.

TO THE EDITOR OF THE NATION:

SIR: Mr. Richard Grant White, in commenting on my former letter, attributes to me a statement which I did not make, and should never think of making. Premising "different to," he speaks of my "assertion as to its general use at the present day by the best bred and most cultivated speakers and writers in England." He also says, "I have noticed 'different from' in the speech and the writing of only the younger generation of Englishmen, and those who to travel had united some loving study of the great Elizabethan writers."

To be sure, after saying that I had rarely, if ever, heard "different from" used by an English lady, I went on to say, "Moreover, 'different to' is just as usual with the vulgar English as with the educated, from whom it has descended to them"; but I thought the context sufficiently showed that I was there referring to oral usage alone.

One of the best living English writers, and one of the most voluminous, is Dr. J. H. Newman. Has he ever printed "different to"? Or has Bishop Thirlwall, Bishop Moberly, Bishop Wilberforce, Archbishop Manning, or Mr. J. S. Mill? To go back a little, does it occur in the pages of Dr. Arnold, Landor, Lord Macaulay, Mr. De Quincey, Bishop Hampden, or Mr. Grote? Southey may be alleged for it; yet, in all his writings where, save in his "Colloquies" (2d ed.), vol. 2, p. 273, and in his "Essays," vol. 1, p. 10?

We read, further: "Mr. Hall has shown that the phrase was used about a hundred and fifty years ago." To the extract which I quoted from a romance published in 1635, I may add the following from another romance nearly as old: "So was he enforced . . . to embrace a life much different to his humour" (Brathwait's "Two Lancashire Lovers," 1640, p. 231). Mr. Lowell, in his "Biglow Papers," second series, introduction, p. xliii., alleges that "different to" is "used invariably by Sir R. Hawkins in Hakluyt"; a still older authority than any I have happened on. Besides the eighteenth-century references which I gave, I may name Addison, *Spectator*, No. 239, and Richardson, "Sir Charles Grandison" (ed. 1811), vol. 6, p. 344.

"You appear very different to me from what you were lately;" "you appear very indifferent to me to what you were lately." Here, says Mr. White, are examples of "different from" and "different to." But surely *indifferent* is not *different*, or, in the sense which it bears in the latter of these passages, even the opposite of *different*. There is here just as much a play on words as there is on *concision* and *circumcision* in Philippians iii. 2, 3, or in the Greek original. Nor does it follow that, because, for instance, *dependent* takes on, *independent* must be followed by the same preposition. That our ancestors put on and from after *independent* I am aware. Besides, what preposition but *to* could *indifferent* take, the meaning being "as compared with"? We say, "this is ordinary to that." Bishop Bale, with a keen appreciation of the *edum theologicum*, wrote before 1463:

"There is no malyce to the malyce of the clergy."

"Different to" will be found criticised in Robert Baker's "Remarks on the English Language" (ed. 1779), p. 4. Baker calls it "an expression often used by good writers."

Formerly I compared it, from an analogical point of view, with "averse to." And not unlike it is "dissimilar to," which we much the more generally find; as witness Paley, Hallam, Southey, Mr. De Quincey, and Dr. Newman. Gibbon has "dissimilar from," and so has Landor, but also "dissimilar to," and that more frequently.

"To differ to," as I remarked, I have not seen, to my knowledge. "Differing to" would be equally gross; but "disagreeing to" occurs in Dacres's "Machiavel's Discourses" (1636), p. 155.

Addison, Steele, Defoe, Colman and Thornton, and Coleridge use "different than"; Glanvill, Landor, Mr. Dickens, and Mr. Charles Reade, "another from"; Miss Burney, "another to"; Henry More and Steele, "contrary than"; the *Spectator*, No. 491, "inseparable to." Similar instances of carelessness bestrew our literature abundantly; but they have not, like "different to," obtained something of a footing.

In order to its being a neologism, an expression has absolutely to be of recent origin, so far as is known. If found, however infrequently, in books other than recent, an expression is no neologism; and, to my thinking, Mr. White, when he applies this term to "different to," employs language inexactly.

Your obedient servant,

FITZEDWARD HALL.

MABLESFORD, Suffolk (England), October 6, 1872.

P. S. On looking over my notes, I see I have omitted what follows: "Truly, I think there was never dreame, so *different* to the course of cogitation, and so full of monstrosity, ever hatched in the brain of man." Sir Arthur Gorges, translation of Bacon's "Wisedome of the Ancients" (ed. 1619), preface.

Notes.

SHEPARD & GILL, Boston, announce "The Deserted Ship," by George Cupples; "The Soul's Inquiries Answered," by Geo. Washington Moon; Black's edition of De Quincey's works, in sixteen volumes; and a new juvenile by "Gail Hamilton," illustrated by Billings and Bush.

—Prof. F. L. O. Roehrig, of Cornell University, reprints from the Smithsonian Report for 1871 a paper on "The Language of the Dakota or Sioux Indians," among whom he passed several months in 1866. Though modestly professing to give only "a few faint and cursory glimpses" at this language, the paper will be read with interest by ethnologists and philologists. The writer hazards no opinion as to the origin of the Dakota group of languages, but he has observed, as some earlier writers have observed, "dim and vague resemblances, an occasional analogy, or perhaps merely casual coincidence" between it and the so-called "Ural-Altaic" family of Asia, and he points out some of these resemblances, without drawing from them any conclusions as to the affinity or identity of origin. It should be remarked, however, that the structural and grammatical features to which he directs attention are not peculiar to the Dakota, but are found in many other North American languages. The "polysynthetic arrangement" is less remarkable in the Dakota than in the Algonkin, and the use of postpositions and of intensive reduplication is common to both. Twenty years ago Gabelentz (in his "Grammatik der Dakota-Sprache," based on the excellent grammar and dictionary of the Rev. S. R. Riggs) arrived at the conclusion, beyond which sound philology may not yet advance, that "any supposed accordance between the Dakota and Altaic tongues is a matter of feeling rather than of scientific conviction (mehr Sache des Gefühls, als der wissenschaftlichen Ueberzeugung)." Prof. Roehrig remarks on the harmonious character of the Sioux language, on its euphonic changes of vowels and permutation of consonants, and on the derivation and composition of words. He points out the mistake of translating by "laughing water" the name *Minnehaha*, which really means "curling water," and is "the usual word for a waterfall or cascade." The chief to whom interpreters gave the name of "Hole in the Day" was, it appears, known among his people as "One who perforates the sky with his arrows," Sky-piercer.

—General Grant is the great quarreller of this age, but such of our readers as are old enough and Protestant enough to have knowledge of the congregations of twenty-five years ago, will recollect how easy it used to be to quarrel about all sorts of queer and trifling things; how readily Paul "withstood Peter to his face" in parish meetings about matters which the Master of both of them would have considered of no great consequence; how near

Dorcas, and Lois, and Eunice, and Lydia used to come to wishing it were lawful for big girls and women to slap each other in the face after the manner of small girls when they fall out. Anything would do to fight over. As we have just been reminded by the *Examiner and Chronicle* (which, however, is a Baptist journal), a Methodist Conference once felt compelled to decide a controversy as to the proper means of holding up breeches and pantaloons, and pronounced deliberate condemnation of "the ungodly habit of wearing suspenders." No doubt the fight over this article of apparel was warm; we dare say some very good men and women brought bitter hearts to the bread and wine of the communion table both before and after the Conference had rendered the decision. Perhaps there was even a secession and a new sect. We dimly recollect, and so, we suppose, can the *Methodist*—whether the *Examiner and Chronicle* can or not—a time when in many New England villages there was an upper chamber in which, much to the wonderment and curious awe of infantile enquirers into holy things, a small assembly gathered themselves together each Sunday morning and worshipped apart by themselves as "Jug Baptists." Why these separatists were thus out of communion with other Baptists, whether for difference of opinion as to suspenders and similar things, we have never known; but it is as likely as otherwise that the quarrel had about the same reason for existing as the quarrel decided by the Methodist Conference. At one time, the fight would be over the question whether, forsaking the Scriptures, and flying in the face of Providence, a stove should be admitted within the sacred walls, or, as of old time, the meeting-house should be kept righteously cold in winter, and the brethren and sisters who were weak in body or of feeble faith should be left to bring hot soapstones on their individual responsibility. Then at another time the wrangle would be over the minister's luxurious gold-rimmed spectacles, or his use of a fob-chain with seals, or his wearing clothes too fashionably made, or his wife's letting her boys use white linen handkerchiefs on week-days, or his daughter's learning the piano.

—Innumerable and amazingly paltry used to be the causes of church members' conflicts, which were acrimonious out of all proportion to the importance of the matter in dispute; but, as we remember, no source of wrangling was so prolific as "the singing seats." The proverbial jealousies and meannesses of persons endowed with vocal gifts were of themselves enough to make the gallery of men-singers and women-singers anything but a fore-court of heaven or a promoter of harmony and sweet accord in the congregation. But apart from these rivalries "the choir" and the church music always were and still are the cause of no end of dissension, of heart-burning, backbiting, malicious prayers in evening meeting, and black looks while going down the meeting-house steps. Once, as history tells us, the dispute was whether the psalms should be read by the parson to a stuck-up body of Amandas, and Maranthas, and Ebens, and Jonathans, who thought themselves better singers than the Ruth-Marias, and Deacon Tim's daughters, and Abiels, and Salems, and the rest of the congregation; or whether they should be "lined out" to the whole congregation. The records tell of one deacon whom the advancing tide of false progress had left almost alone, but had not submerged or swept away, who, till the town constable interfered, used to enliven the services and make much disturbance by rising after "the choir" had sung, and inviting "the Lord's people", to "jive in" with him in singing a hymn which, now that "the world's people" had got done, he would deacon out to them. There was also the fight as to whether uninspired hymns might be allowed to supplement the inspired psalms of Sternhold and Hopkins. Long afterwards came the fight as to whether the violin and the bass-viol (called by their enemies and the light-minded among their friends the fiddle and the bull-fiddle) should be allowed in the singing seats as aids to the voices of the singers. Still later was the easier struggle as to whether the organ should be introduced; and, later still, arose the struggle, unfinished as yet, between the partisans of quartette or choir singing and those of singing by the whole congregation—a struggle in which the latter should be safe to win, one would say: if the business is to get the congregation spiritually aroused and in key with the preacher and his theme, the best singer that ever sang (let alone the majority of persons who hire themselves out to sing hymns for so much a year) is as nothing in comparison with the voice of a whole congregation. But there is difficulty in getting the people to trust themselves to sing, and, after that has been overcome, in getting them to sing in time and tune. The *Examiner and Chronicle* puts forward what looks to us like a very good suggestion, when it urges the use of the cornet in "leading" the singers. The notes of that instrument, penetrating but soft, can be heard above the sound of the voices, and would so much more than take the place of precentors and choirs in guiding the singers that congregational singing, of which many now despair, might probably become greatly successful; and, accompanied by the organ, the cornet would be better still than when used alone.

—As we desire to give the Honorable James Irving a lift in his present struggle for the right, we take pleasure in publishing a campaign song which has been put forth in his interest, and which a correspondent has kindly forwarded to us. The picture of a bull which ornaments the top of the broadside in our possession the resources of our establishment do not permit us to reproduce. It points to the fact stated in the second of the succeeding stanzas that Mr. Irving—he was in handcuffs the other day for a felonious assault—is a dealer in beef or beef cattle. The same stanza, it will be observed, affords indications that the gentleman who opposes Mr. Irving's desire to be an alderman is a dealer in liquors, the term "fusel-oil" evidently being a covert allusion to the principal sustenance of "the boys":

JAMES IRVING is our Candidate,
And we are called upon
To do our best endeavor for
This friend and worthy man.
Our benefactor we have proved
And always found him true.
Amongst the Democratic ranks
His equals are but few.

Our nominee provides us with
Fresh Beef from native soil
To counteract diseases that
Proceed from "Fusel Oil,"—
That dire annihilator which
Destroys the soul of man,
And has so much misfortune caused
Since this world first began.

The widow and the orphan in
The district where he's known
Have been consoled and comforted
By him when sad and lone.
Oh, yes his generosity
Goes on to prove the while
Where formerly a tear was shed
Can now be seen a smile.

The hand of friendship he'll extend
To relieve one in distress;
His purse is always ready
Any grievance to redress.
A breast did never shield a heart
More patriotic, kind, and true;
He never yet has shown deceit
To one that e'er he knew.

How dare a "fusel" vendor have
Presumption to aspire,
To take the Chair so often filled
By him we most admire?
Jim Irving is the man for us,
None other we'll sustain,
We've raised him to position of it,
And shall do so again.

In conclusion Fellow-Citizens
Our next November Day
Go to the Poll, with heart and soul,
And triumph in the fray.
Yes, vote for Irving every one
With all your will and might;
This one request I ask of you,
And "God defend the Right."

Respectfully dedicated to the HON. JAMES IRVING, by one of his constituents.

—*Hermes*, the Berlin "Zeitschrift für classische Philologie," edited by Emil Hübnér, with the co-operation of R. Hercher, A. Kirchhoff, and Th. Mommsen, contains a sharp criticism of F. Lenormant, from the pen of R. Scholl. In 1866, Lenormant published a large number of Greek inscriptions, chiefly monumental, purporting to have been collected by himself in Athens and its neighborhood between the years 1856 and 1863. Some of these exhibited novelties of form and style which, if genuine, would have a philological value; but for this very reason they require verification. Now Scholl asserts that, to his personal knowledge, for a whole year Stephanos Kumanides has searched the streets and the houses of Athens, even to the dog-kennels, in the hope of adding these inscriptions to his own rich collection, but no trace of them has he found. A friend has made a thorough exploration of Attica, but without success; the inscriptions in question are declared by competent authority to be unknown; the originals of Lenormant's stately list have vanished! Truly does Scholl pronounce this a singularly malicious accident. Is it possible, he asks, that in six years these inscriptions have all been destroyed, or built over, or concealed? Or did Lenormant remove them to France, or—what? He reminds us that in 1854 Lenormant discovered in Normandy the remains of an old chapel and churchyard, with numerous early Latin inscriptions, but he has never produced the originals to the satisfaction of scholars. Hence his inscriptions must be classed as "suspected."

—The "prayer-gauge" controversy, which was begun three or four months ago by an article from an unknown hand in the *Contemporary Review*, seems in a fair way of bringing itself to a close. The *Popular Science Monthly* for November contains an article on the subject by Professor Tyndall (printed from advance sheets of the *Contemporary*), in which that gentleman, apparently confessing himself the original culprit and author, makes a clean breast of it, and states in a plain and straightforward manner exactly

what he did mean by his "infidel attack" on the efficacy of prayer. In the original article in the *Contemporary* the suggestion was made that as there was a good deal of doubt in the minds of many people as to what may be called the physical efficacy of prayer—that is, as to the value of prayer in varying the effect, let us say, of the attraction of gravity, or the velocity of light, or of sound, or the operation of the *materia medica* upon the digestive organs or nerves—the question might be tested by a comparison of the results of some particular human effort directed to the accomplishment of some physical object, compared with the results of the same human effort directed to the same end and assisted by prayer. For the sake of experiment, it was proposed that the test should be applied to the cure of disease; that in some one hospital the patients should be tested according to a certain regimen, and in others the same regimen should be used, with the addition of prayers. Immediately on the appearance of the article, the *Spectator*, with numbers of other papers, indulged in "a considerable amount of animadversion" upon him and the unfortunate editor of the *Contemporary*. Perhaps, on the whole, it is fortunate that this was done, as the controversy has resulted in producing the explanation to which we now refer. The explanation, in brief, is this: Disclaiming all desire of anything save the "purification" of religion, Mr. Tyndall points out that the history of the human mind shows a steadily increasing tendency towards the definite separation of religious from physical beliefs. The gradual process of purification has relieved religion of the most of her early burdens, and at the same time freed science of the thousand superstitions which once hampered its progress. "Some of us," Mr. Tyndall continues, "think a final act of purification remains to be propounded," in the abandonment of the belief in the "physical value of prayer." The question is this: There are in the world a large number of people who sincerely believe that "prayer, at all events, upon special occasions," invokes "a Power which checks and augments the descent of rain, which changes the force and direction of winds, which affects the growth of corn, and the health of men and cattle—a Power, in short, which, when appealed to under pressing circumstances, produces the precise effects caused by physical energy in the ordinary course of things." Now, when prayer is brought to the attention of the scientific student as an equivalent of physical energy, "he claims the right of subjecting it to those methods of examination from which all our present knowledge of the physical universe is derived. And, if his researches lead him to a conclusion adverse to its claims—if his enquiries rivet him still closer to the philosophy enfolded in the words, 'He maketh his sun to shine on the evil and on the good, and sendeth rain upon the just and upon the unjust'—he contends only for the displacement of prayer, not for its extinction. He simply says physical nature is not its legitimate domain."

—The third of the series of Annual International Exhibitions of Selected Works of Fine Art (including Music), Industrial Art, and Recent Scientific Inventions and Discoveries, will be opened at South Kensington, London, in April, and closed in October, 1873. Some account of the International Exhibition of 1871 (and more particularly of its picture-gallery) was given by Mr. W. J. Stillman in the *Nation* of Oct. 25 of that year. The third will consist of three divisions: (1) Fine Arts; (2) Manufactures; (3) Recent Scientific Inventions and New Discoveries of all Kinds. Fine Arts embraces works executed since 1863, or, in the case of "photography as a fine art" (if we understand the commissioners' circular), executed in the preceding twelve months; tapestries, carpets, embroideries, shawls, lace, etc., must be shown "not as manufactures, but for the Fine Art of their design in form and color." Under Manufactures may be named those in steel, including cutlery and edge tools, surgical instruments and appliances; and two classes—substances used as food, and carriages not connected with rail or tram roads—in which the commissioners remind us that America excels, singling out "the application of machinery to the making of carriage wheels." The universal Yankee, however, will perhaps be most at home in the third division; and if it is too late for him to put in an appearance at the Vienna Exposition, he may be almost fully recompensed by sending his invention to London. No rent will be charged him for space. If notified of his requirements before Jan. 31, "Her Majesty's Commissioners will provide glass cases, stands, and fittings, steam and water-power and general shafting, free of cost"; and "will carry out the arrangement of the objects by their own officers, except in regard to machinery and other articles requiring skilled assistance and special fittings," which must be provided by the exhibitor. Some conditions are imposed, viz., the objects offered will be admitted subject to the decision of competent judges as to their being worthy; they must be sent in between March 1 and April 7, the greatest punctuality being insisted on for paintings in oil and water colors and sculpture, while carriages alone will be received after the 19th of April; they must in every instance be accompanied by a label, "stating the name and address of the exhibitor, the special reasons, such as excellence, novelty, cheapness,

etc., why it is offered for exhibition, and (whenever possible) the retail price at which the public can obtain it." In this commercial aspect the London Exhibition appears to be more immediately attractive than the Austrian. No prizes are awarded, but a medal certifies to the distinction of admission. Full information in regard to the Exhibition can be had by addressing the Secretary, Upper Kensington Gore, London, S. W.

—A description of the ivories, ancient and mediæval, in the South Kensington Museum has just been published, which is, with one exception, an admirable example of what an art catalogue should be. The exception is the title, which, being entirely without punctuation, after the objectionable French style, leaves the reader uncertain whether William Maskell is the author of the description or only of the preface. The great merit of the catalogue is its fulness. For every ivory, the author, whether he be William Maskell or some unknown laborer, gives size, date, and, in the comparatively few cases where it can be done, country, and then, in smaller type, a word-picture of the carving and an explanation of the details which are so apt to puzzle all but antiquaries. And in the case of two dozen remarkable examples the descriptions are supplemented, and may be tested, by photographs—a method of representation singularly well fitted to show the smoothness and apparent softness of ivory. The catalogue is preceded by a well-written preface of over two hundred pages—which is certainly by Maskell—in which the progress of ivory-carving is traced from prehistoric times and the caves of Dordogne, through Egypt, Greece, and Rome, to the Middle Ages, where there is most to record. A collection such as is here described has a double interest—the interest of art and the interest of antiquities. The merit of the different examples varies widely. A large part of the ivory-carvings that we have seen, or seen represented, can hardly give much pleasure unless some previous training has taught the student what beauties to look for among manifest defects. In the present collection we have religion represented by crosiers, crucifixes, pyxes, rosaries, and various diptychs and triptychs; war by swords, daggers, and a trumpet; games and sports by a hunting-knife, powder-flask, and chessmen; the domestic arts by combs, knives and forks, mirrors, and book-covers. But these reveal nothing new, nothing that was not known to us by hundreds of other monuments; they merely recall and confirm. There are, however, a few precious ivories that go beyond this, and give us a narrow but clear view into a very distant antiquity, a time earlier even than the age of iron or of bronze, "a time so remote," says Lubbock, "that the reindeer was abundant in the South of France, and probably even the mammoth had not entirely disappeared." These ivories, or rather mammoth tusks and reindeer's bone, are carved with so much spirit, so naturally, with such a perception of the characteristic features of their subjects, and such power of representing them, that they could not be the work of beginners in their art; and it is difficult not to believe in the coexistence of a considerable degree of civilization, so much superior are these carvings to the work of tribes known to be savage. It must be confessed, however, that they are also better than some of the work of nations not savage, and that civilized and artistic are not convertible terms. But, as inspiring a hope in further discoveries, they are historically more interesting than the mediæval specimens. We trust that the South Kensington Museum, which has already published excellent catalogues of its Mediæval Italian Sculpture, by Robinson; of its Textile Fabrics, by Rock; and of its Lace, by Mrs. Palliser, will extend the series to all other branches of its art collection.

—The foreign journals report the death of Dr. Merle D'Aubigné, author of the well-known "History of the Reformation," and the leading member of the Protestant Theological Faculty at Geneva. He was born near Geneva, August 16, 1794, and was, therefore, seventy-eight years of age. He was a descendant of the old Huguenot historian of the same name, his ancestors having been among the refugees from France after the Revocation of the Edict of Nantes. He prosecuted his studies partly at Leipsic and Berlin; was a pastor at Hamburg for five years; was then President of the Consistory of French and German Churches at Brussels; but for the last forty years has been Professor of Historical Theology at Geneva. He published at Paris, in 1848, a work upon Oliver Cromwell, in which he follows in the steps of Carlyle in the estimate of Cromwell's character; also, "Germany, England, and Scotland; or, Recollections of a Swiss Minister"; besides other writings of less account. His principal production is the "History of the Reformation," the publication of which was not finished at his death. This work is written in an animated, popular style, in a fervent religious spirit, and with a zealous sympathy for the Protestant side. It has attained to great popularity, and has diffused much valuable information respecting the age of the Reformation among a multitude of readers whom this knowledge would never have reached through any other channel. It is not characterized, however, by the accuracy and dispassionate tone which would be requisite in order to constitute it an authority. Although D'Aubigné sat, for a while, at the

feet of Neander, he did not possess the critical habit which has marked the German theologians of the liberal evangelical school since Schleiermacher. His work is also in some parts extremely, even tediously, copious. He devotes several volumes to the ecclesiastical affairs of Geneva prior to the work of Calvin. D'Aubigné's history, however, has for the most part the merit of being interesting. But its rank will not be among works of a scientific character. It lacks the discriminating and judicial tone. Dr. Merle—as he was called at Geneva—was a man of fine presence. His personal appearance was even commanding. He bore a striking resemblance, which was often noticed by his American visitors, to the late President Wayland. We believe that his character and social traits were worthy of very high esteem.

MUSULMAN "FENIANS."

DR. HUNTER is already well known as a writer on ethnological and linguistic questions, and has thrown a good deal of curious and interesting light on the composition of the population of British India. In the volume before us, he gives an account of one of the strangest of the many strange episodes by which the history of English rule in that country has been marked. Most of us, in talking and thinking about British India, forget that when the British began to "absorb" it in the middle of the last century, they found it ruled exclusively by Mohammedans, to whom the bulk of the population were despised infidels—"gens taillables et corvéables sans merci ni miséricorde," and most of us are ignorant of the fact that there are thirty millions of these Mohammedans still in the country in a state of social decay, smarting under the recollection of their lost supremacy and under the elevation of the race which their fathers held almost in slavery. How they must hate the British who have displaced them may be inferred from the fact that even under the Mogul Emperor Akbar, who professed to have reformed the administration and admitted the Hindoos to a share in it, among the twelve highest officers of the government not one was a Hindoo; and in the other grades, out of 252 officers only thirty-one were Hindoos. Of the Mussulmans of Bengal, where the Mussulman aristocracy obtained their most powerful hold, Dr. Hunter gives a picture which explains the change which British rule has wrought in the relations of the old conquerors to the Hindoo population:

"Their old sources of wealth have run dry. They can no longer sack the stronghold of a neighboring Hindoo nobleman; send out a score of troopers to pillage the peasantry; levy tolls upon travelling merchants; purchase exemption through a friend at court from their land tax; raise a revenue by local cesses on marriages, births, harvest-homes, and every other incident of rural life; collect the excise for their own behoof, with further gratifications for winking at the sale of forbidden liquors during the sacred month of Ramazan. The administration of imperial taxes was the first great source of income in rural Bengal, and the Mussulman aristocracy monopolized it. The police was another great source of income, and the police was officered by Mohammedans. The courts of law were a third great source of income, and the Mussulmans monopolized them. Above all these was the army, officered by a great confederation of conquerors who enrolled their peasantry into troops, and drew pay from the state for them as soldiers. A hundred and seventy years ago, it was almost impossible for a well-born Mussulman in Bengal to be poor; at present, it is almost impossible for him to continue rich."

For some time after the British took possession of the government, the Mussulmans retained their hold of the offices, both high and low—judicial and administrative; but as security has increased, and the means of education improved, the Hindoos have been gradually working their way to the front, and now fill every grade of official life. They take comparatively kindly to the civilization, new laws, and new learning, and, besides this, are shrewd traders and financiers. The result is that the Mohammedans have everywhere gone to the wall. One is not, therefore, surprised to hear that throughout British India, wherever you find a Mussulman, you find a secret or avowed enemy, and often a very bitter one, of British rule.

This state of things has produced the singular conspiracy which Dr. Hunter describes. As long ago as 1820, a famous freebooter in Northern India, named Sayyid Ahmad, took to the study of the Sacred Law, and became a prophet, and began preaching the purification of the faith, and, travelling southward to Calcutta, made converts all along the route in great numbers, and appointed agents to collect taxes, besides four "khalifs" or vice-prophets, and a high-priest. In 1824, he found himself powerful enough to enlist a large armed following, and, establishing himself in the mountains on the Peshawur frontier, began preaching the Holy War against the infidels. He first commenced hostilities against the Sikhs, with whom he had many bloody encounters. In 1830, he actually took Peshawur, the capital of Western Punjab, proclaimed himself Khalif, and caused coins to be struck in his name. Having offended the prejudices of many of his followers, besides

falling into other errors, he was defeated and killed in the following year. A successor was, however, found among his disciples, and he established a regular camp at a village in the mountains, called Sittana, just outside the British frontier, and this camp has lasted down to our day as the headquarters of Mohammedan fanaticism in India, to which recruits flocked from all parts of the country.

"In this way," says Dr. Hunter, "the fanatics firmly established a two-fold power on the frontier, and by their emissaries among the superstitious border tribes kept alive the embers of the Holy War. During intervals of many years they sank into the insignificance of border freebooters, but from time to time fired up into a fierce army of the Crescent. They perpetrated endless depredations and massacres on their Hindoo neighbors before we annexed the Punjab, annually recruiting their camp with Mohammedan zealots from the British districts. We took no precautions to prevent our subjects from flocking into the fanatical colony which spent its fury on the Sikhs, an uncertain coalition of tribes, sometimes our friends, sometimes our enemies. An English gentleman who had large indigo factories in our Northwestern provinces, tells me that it was customary for all pious Mussulmans in his employ to lay aside a fixed share of their wages for the Sittana encampment. The more daring spirits went to serve for longer or shorter periods under the fanatic leaders. As his Hindoo overseers every now and then begged for a holiday for the annual celebration of their fathers' obsequies, so the Mohammedan bailiffs were wont, between 1830 and 1846, to allege the religious duty of joining the Crescentaders as a ground for a few months' leave. For the remissness which thus permitted our subjects to join the fanatic host against our Sikh neighbors we were destined to pay dear. The Prophet had established a regular system of Apostolic Successors, both in our territories and on the Sikh frontier. . . . Two of the khalifs or vicegerents whom he had appointed at Patna in 1821 made a pilgrimage to the frontier, and ascertained that their leader's disappearance was a miracle; that indeed he was still alive, and would manifest himself in due time at the head of a Holy Army, and expel the English infidels from India. His deputies continued, therefore, to levy money and men, but especially money, in the chief towns along the Valley of the Ganges, where the Prophet had preached on his journey to Calcutta in 1820-22. A perennial stream of malcontents thus flowed from our territory to the Fanatic Colony. Absconding debtors, escaped convicts, spendthrifts too ruined to be at peace with social order, traitors too guilty to hope for mercy from the law—all flocked from the British plains to this Cave of Adullam in the North. There were also refugees of a nobler sort; and every Mohammedan religionist too zealous to live quietly under a Christian government girded up his loins and went to the Sittana camp. Their hand fell heaviest upon the Sikh villages, but they hailed with fierce delight any chance of inflicting a blow upon the English infidel. They sent a great force to help our enemies in the Cabul war, and a thousand of them remained steadfast against us to the death. In the fall of Ghazni alone, three hundred obtained the joys of martyrdom from the points of English bayonets."

In 1852, they were found to have a regular organization for passing arms and men and money up to the camp from British territory. They made incessant raids, tampered with the native troops and police, now and then committed murders. Their power and activity may be estimated from the fact that between 1850 and 1857 the British Government was obliged to send out sixteen distinct expeditions against them, and between 1857 and 1867 four expeditions more, employing in all 60,000 regular troops, besides auxiliaries and police. In 1863, the expedition against them cost the British 847 men killed and wounded, but it punished them so badly that they remained quiet for four years. In 1868, they rose again on a great scale, and tried to form a general coalition of the mountain tribes, but were baffled, and driven back into the mountains by an army of 7,000 regular troops, some of the operations being carried on 10,000 feet above the level of the sea. Since then, trials of agents of the camp discovered in various parts of the British territory have every year occupied the courts, and a batch of convictions was secured as late as last year.

The most interesting portion of the book is the account of the machinery of the propagandist organization on British soil, as revealed by the evidence on these trials. The whole movement is distinctively Wahabi in its origin and spirit—that is, its chiefs belong to the puritanical or reforming sect of Mussulmans, which took its rise in Arabia about the beginning of the last century, as a fierce protest against the corruption of morals and doctrine and ceremonial introduced into the faith by the sensual Turks. Its seven great doctrines were: the oneness of God; the absence of all mediation between God and man; the right of private interpretation of the Koran; the rejection of all the rites, ceremonies, and forms introduced by mediæval and modern Mussulmans; the constant imminence of the second coming of the Prophet to lead the True Believers against the infidels; constant readiness to wage war against the infidels; implicit obedience to the spiritual chief. In sixteen years after the death of Abdul Wahab, the founder of the sect, his followers had overrun the greater part of Asiatic Turkey, and (1803-4) captured Mecca and Medina, massacred the inhabitants, and carried away into the desert the rich offerings which Mussulman princes and the pilgrims from many lands had, during eleven centuries, laid on the Prophet's tomb. From this until 1809 no caravan crossed the desert. The Wahabis next overran Syria, made one campaign against the British in the Persian

* "The Indian Mussulmans. By W. W. Hunter, LL.D., Director-General of Statistics to the Government of India, etc." Second Edition. Trübner & Co., London. 1872.

Gulf, threatened Constantinople, and were only defeated and driven back into the wilderness by Mehemet Ali in 1813. Since then they have been a poor, wandering, and despised sect; but in India the faith has been kept alive, under the stimulus of adversity and tribulation, better than elsewhere. They have produced a copious literature, inculcating the duty of rebellion, and prophesying the downfall of the British power, which is sold all over India by the missionaries. The headquarters from which the propagandist stream issued was established at Patna, and consisted of a huge mass of buildings communicating by secret passages and side-doors, forming a labyrinth which, when it came to be suppressed, the troops did not venture to attack without having previously procured a plan of it. Here the recruits for the Sittana camp were received, instructed in the faith, and sent off in batches under trusty leaders; hence, too, the district missionaries were sent out, and the funds and supplies collected and tax-gatherers appointed. The taxes consisted of two and a half per cent. on all property, though this was afterwards increased; and every head of a family was obliged to put aside a handful of rice for each member of his household at each meal—the store to be subsequently sold for the benefit of the cause. The sect would probably prove too powerful to be suppressed by the courts, and would continue to give the British Government increasing trouble, if it were not at last arraying against it the prejudices of the well-to-do and conservative of the Mussulman faith, though whether these will suffice to disarm it is still doubtful. The Wahabis are the "Reds" of the Mohammedan world, and threaten the established order of things too fiercely to make them anything but abhorrent to fathers of families and owners of property. The bulk of the Mohammedan population in India, as they belong to the Sunni sect, though intensely disaffected, do not want to be told, or have their children taught, that they must conspire and revolt in order to escape everlasting damnation, and have, therefore, been sorely tried by the preachings of the Sittana missionaries, and at last resolved to meet them fairly and squarely on theological ground. The issue raised was a very curious one. All true Mussulmans acknowledge that if a country be "Dar-ul-harb," or the country of the infidel, it is the duty of the Faithful if dwelling in it to revolt against its rulers or quit it; if dwelling elsewhere, to make war on it at all convenient times. So the question was submitted to the doctors of the law at Mecca, whether India was "Dar-ul-harb," the country of the enemy, or "Dar-ul-islam," the country of the Faithful, and they cunningly, to oblige the well-to-do, have delivered an opinion, which it is admitted is a little too subtle, that to make a country "Dar-ul-harb" the ordinances of Islam must not be observed in it, and it must be in such contiguity to a country which is Dar-ul-harb that no city of Dar-ul-islam intervenes, and no Mussulman is in the enjoyment of religious liberty; but these three conditions are not found in India; ergo, etc. What the effect of this will be on the Wahabis still remains to be seen, but Dr. Hunter does not seem to be very sanguine.

THE MAGAZINES FOR NOVEMBER.

OF the November magazines, *Lippincott's* seems to be as generally readable as any, Mr. Black's "Strange Adventures of a Phaeton" being very readable indeed, and the rest of the magazine being all fairly enough interesting. We should suppose that Mr. Black's story must have made him many friends who will be more than willing to meet him again. His stories published previously have had very good things in them; but not the least of the good things about this story is that it seems to give assurance that its author has now parted company with some of the views and conceptions which lay at the foundation of his earlier novels, and which made them on the whole something to be regretted, clever as they were in parts, and good an opinion as they gave one of their author. "The Strange Adventures of a Phaeton" seems to us a story for which to be grateful. At the same time, a writer who could write, and write so well, a novel so dubiously worth writing as "A Daughter of Heth," is a writer of whom expectations are not to be entertained without some fear and trembling.

The other contents of *Lippincott's* are some verses by Mr. Boker and Miss Emma Lazarus; an article about manufacturing straw into the paper on which the Philadelphia *Ledger* and many other journals are now printed; an account of a sojourn in Costa Rica by the late Mr. Robert M. Walsh; some remarks on "the London Season" by a gentleman who appears to have had opportunities of acquiring information on the topic of which he treats; an interesting description of some of the torpedo-boat expeditions made by the Confederates during the rebellion; some sketches of life in New Orleans before the war; a story for oppressed wives concerning unappreciated toil in the kitchen; "Monthly Gossip"; three or four good book reviews; and, finally, an article which takes as a text Professor Fairman Rogers's collection of pictures, and discourses of Isabeau and Merle, and touches upon Ziem,

Compte-Calix, E. Hübner, Boutibonne, Luminais, Hoff, William T. Richards, and George Boughton—all of whom are represented in Professor Rogers's gallery.

We should say that most persons who have opportunity to examine the pictures of which this critic speaks might do well to examine them with the help of his criticism. Whether or not it is in all points accepted, it may probably give them great assistance in feeling the pictures. The article about the torpedo-boats is obviously the work of a Southern soldier; but it is not intemperate, and has merits which will make its readers wish for more reminiscences from the same and similar sources. *Lippincott's*—as being a magazine with a Southern as well as a Northern outlook, and worthy of the confidence of both the North and South—might properly seek for much more of this historical material, of which a great deal will perhaps never see the light. Mr. Boker's verses lament the death of Mr. T. Buchanan Read, and express a private as well as a political grief. "Expectation," by Miss Lazarus, is a poem finished in details and true to a certain phase of feeling.

In the November *Atlantic*, Mr. Parton brings his life of Jefferson down to the time when Washington called his friend home to be Secretary of State, and gives us a glimpse of the beginnings of the French Revolution. A curious question is suggested to the reader by Jefferson's opinion, here given, as regards the relative value of general causes and special causes in bringing about great movements in history. "Let me have had control in France," Jefferson says, in effect, "and the king should have been made disgusted with his wife, who was the principal cause of his ruin. A representative Congress of Frenchmen should have been established as the legislative political body of the nation, and then France, after a faithful, though brief study of the institutions of America and England, would have peaceably and slowly effected such changes as were necessary for the best good of her citizens, and there would have been no such bloody and violent upheavals as shook France, Europe, and the world." Thus he speaks of Marie Antoinette and her influence:

"This angel, as gaudily painted in the rhapsodies of Burke," wrote Jefferson, forty years after, "with some smartness of fancy, but no sound sense, was proud, disdainful of restraint, indignant at all obstacles to her will, eager in the pursuit of pleasure, and firm enough to hold to her desires, or perish in the wreck. Her inordinate gambling and dissipations, with those of the Count d'Artois and others of her *clique*, had been a sensible item in the exhaustion of the treasury, which called into action the reforming hand of the nation; and her opposition to it, her inflexible perverseness and dauntless spirit, led herself to the guillotine, drew the king on with her, and plunged the world into crimes and calamities which will for ever stain the pages of modern history. I have ever believed that, had there been no queen, there would have been no Revolution. No force would have been provoked or exercised."

The question suggested is never asked until, so far as concerns the particular problem in hand, it has already been settled and set aside; but a discussion of it will be found not without its profit, though we imagine that not many people will come to Jefferson's conclusion, and believe that had Louis XVI. been addicted to mistresses instead of fond of his wife, there would have been no French Revolution.

"Guest's Confession," by Mr. H. James, jr., is concluded in this number of the *Atlantic*, and so is Dr. Holmes's serial tale, "The Poet at the Breakfast Table"; while Professor De Mille's "Comedy of Terrors" keeps on. "Guest's Confession" is a study of character which no one could have written who had not habitually observed closely; who had not been on several sides open to impressions; who did not get great enjoyment from the analysis of motive and feeling. It is a sort of comment on character, or a dissection of human nature, which is pretty sure to be interesting; but a danger in the way of the analyst is that he may be tempted to make his personages rather with a view to their cutting up interestingly and easily, than with a view to their being men and women capable of being alive, and to this danger Mr. James appears to us to have fallen a prey in this instance. We would not say, indeed, that we should be immensely pleased by a perfect success; but could we be so pleased, we think Mr. Guest's confession would not go very far towards pleasing us, acute and clever as it is.

Mr. John Fiske makes an essay entitled "The Primeval Ghost World," and popularizes some science which is likely to be as immediately fruitful as any science latterly preached. The subject is set forth skilfully and takingly. We would, however, commend to Mr. Fiske's attention Mr. Mark Twain's dog, who "couldn't be depended on for a special providence," as being nearer to the actual dog of everyday life than is the Skye terrier mentioned by a certain correspondent of *Nature*, to whose letter Mr. Fiske refers. The terrier is held to have had "a few fetishistic notions" because he was found standing up on his hind legs in front of a mantelpiece, upon which lay an india-rubber ball with which he wished to play, but which he could not reach, and which, says the letter-writer, he was evidently beseeching to come down and play with him. We consider it more reasonable to suppose that a

dog who had been drilled into a belief that standing upon his hind legs was very pleasing to his master, and who, therefore, had accustomed himself to stand on his hind legs whenever he desired anything, and whose usual way of getting what he desired was to induce somebody to get it for him, may have stood up in front of the mantelpiece rather from force of habit and eagerness of desire than because he had any fetishistic notions, or expected the india-rubber ball to listen to his supplications. We admit, however, to avoid polemical controversy, that in matter of religion the dog is capable of anything.

"A Prodigal in Tahiti" is by a writer of much cleverness and of a niceness of taste which is innate rather than cultivated and refined by those processes of education with which so few can dispense. "A Dinner Party" is a singular production, very noticeable for its difference from most of our magazine articles. But it is too ill-digested a compound of invented matter and apparent fact to be as good as it should be.

The poetry of the *Atlantic* is all worthy of notice, the sonnet of a new writer, J. Logie Robertson, seeming to us as good as any, and worth quoting for the imagery of the last three or four lines:

"IDLENESS.

"And slow and slower still, day after day,
Come the sad hours with beauteous upturned eyes
Gleaming with hopes I may not realize,
And seeming in their earnestness to say
Entreatingly: 'O send us not away
All empty-handed as we came; arise,
Give us at least some promise we shall prize
To be fulfilled though after long delay.'
And I, although I weep to see them pass
With lingering pace and disappointed look,
Am lifeless as a statue bound with brass,
And listless as an open, loose-leaved book,
Turned by the wind, yea, passive as the grass,
Weak as the wavelet of a summer brook."

If anybody wishes to see a perfect specimen of the worst sort of stories written by and for young women, he may turn to a story entitled "The Visit," in *Harper's Magazine*. The unripened apple, already rotten there, loads the tree, and exquisite ignorance in combination with a plentiful lack of that "simplicity concerning sin which is wisdom," are exemplified in a way which, if it is not as uncommon as it is detestable, is nevertheless, we are glad to say, not at all common in our periodical literature.

In this month's *Harper's* there is a long and anonymous *résumé*, which might have been done by the next friend of Mr. Bancroft Davis, of the negotiations of the Treaty of Washington; some chapters of General Strother's ("Porte Crayon's") sketch of life in the Virginia mountain region; the sixth of Señor Castelar's discourses on European republicanism; more of Mr. Wilkie Collins's, Mr. Charles Reade's, and Miss Thackeray's novels, and illustrated papers descriptive of Geneva, and of Mr. Junius Henri Browne's trip down the Danube.

Mr. Browne appears also in the *Galaxy* for November, and relates his experience among dying men. As a rule, men die without disquietude, and almost willingly, is the conclusion to which Mr. Browne's observation has brought him, and his observation has been extensive. Our own has not gone far, but so far as it has gone it has corroborated Mr. Browne's view, the thought of death being more terrible than the fact, and more terrible to those whom health and strength has, so to speak, unprepared for dissolution than to those made gradually ready by disease or wounds.

"Carl Benson" makes a victorious attack upon the delusion that publishers, or indeed anybody or anything, except merit, can secure the success of an author, and relates how he revenged himself and the whole craft and fraternity of the quill upon a certain too high and mighty publisher:

"The inexperience and incapacity in business matters of many, perhaps most authors, can hardly help inspiring a shrewd business man at times with a feeling of superiority; in one sense they are his puppets; unless his judgment is clear and discriminating, he may be tempted to consider them such in all senses. On the whole, it is no great wonder if a successful publisher (who, after all, is but mortal) sometimes thinks very well of himself, and puts on a few or a good many airs. They do think very well of themselves, some of these publishers, and are sedulously considerate of the distance between themselves and some other classes of mankind. Once in my younger days I had a pleasant encounter with one of them on some literary business. (In justice to myself, I must begin by saying that I did not wish to go near this person at all, having certain suspicions about him which subsequent experience and observation fully confirmed; but I suffered myself to be overruled by an aged friend, supposed to be wise in such matters.) It was a rainy day; I went on foot in my oldest clothes, English fashion. The great man took me for some poor devil of a sucking author, and was barely civil, more of the bear than the civility, as Tom Taylor used to say. However, my revenge came in time, and after this wise: A year or two later there fell into my possession sundry small bonds and mortgages, one of which was executed by a person of the same name and nearly the same initials as this publisher. When quarter-day arrived I walked down to his office and applied for payment of interest, with the most innocent air in the world. Imagine his indignation at the thought that any one could suppose his premises

or property mortgaged for \$5,000! Of course I attempted to apologize, but as my excuses were somewhat after the fashion of Brummell's when he had gone to the wrong house ('Johnson and Thompson, so much alike, you know'), they only made matters worse, and I left him looking things unutterable. So I paid that party."

Another article to which attention may well be called is one that upbraids the American woman—who, however, is certainly doing better than formerly—for living indoors too much, for feeding herself foolishly, and for dressing herself with too much regard for her appearance and too little regard for the needs of exercise. He animadverts also on the American woman's habit of treating her child as a doll, rather than a human being whom in its early years she has the tremendous responsibility of preparing for a life of health, strength, or of weakness and disease. In this respect, also, we note a change for the better; but the author's strictures are not uncalled for.

Miss Christina Rossetti, "H. H.," Mr. T. W. Higginson, Mrs. Celia Thaxter, Mrs. Elizabeth Akers Allen, Mrs. Oliphant, Doctor Holland, Mrs. A. D. T. Whitney, and Miss Edna Dean Proctor are among the writers in *Scribner's* for November, but the only writer who contributes something for which *Scribner's* regular readers will not furnish a sufficient audience is Mr. Edward King. He was with Mr. Stanley, of Livingstone fame, three or four years ago, when fighting was going on in Spain, and he gives the reader a lively impression of the energy, enterprise, and courage of this newspaper correspondent. We may add that he gives the reader a pleasant impression of his own trustworthiness and skill in his profession.

Town Geology. By the Rev. Charles Kingsley, F.L.S., F.G.S., Canon of Chester. (New York: D. Appleton & Co. 1872. 12mo, pp. 231.)—Canon Kingsley has put into his little book something of the enthusiasm of his "Westward Ho!" and not a little of the grace of the "Andromeda." It is not, as might be supposed, a bit of local description, done in high colors; on the contrary, it is to be commended to all novices in the science of geology, even though they care ever so little for Chester and its geology. As he is talking to a class of intelligent mechanics, men with some training but small acquirement, he prefaces his work by a general defence of science, which naturally leads to an attack on the ordinary educational system. Here, too, in an earnest, simple way, which seeks to strain neither the word nor the fact, he tries to show the absence of conflict between science and religion. Whatever may be the differences of opinion as to the success of the effort, there can be none as to its honest spirit. Out of this spirit we may hope to fashion some accord. With his ground well laid, the author takes up six simple questions concerning the origin and history of familiar things. "The Soil in the Field; the Pebbles in the Street; the Stones in the Wall; the Coal on the Fire; the Lime in the Mortar; the Slates on the Roof," furnish texts for six excellently-planned and well-framed lectures, which treat of familiar things in a very happy way. The specialist can find faults of detail, but they are readily forgiven to one who in the simplest, purest English, writes his thoughts of things made clear by long and loving study. We hope the book may be extensively read, especially among our clergymen and other amateurs in geology. We hope, furthermore, that when they are moved to write, in their first ferment of knowledge, they may study Canon Kingsley's way. If they each write as good a book, we shall have the pleasure of being grateful; if, as is far more likely, they make a failure, they will at least not fall as far as if they had tried the difficult work of writing, when they should have been reading, a text-book.

BOOKS OF THE WEEK.

Authors.—Titles.	Publishers.—Price s
From Darkness to Light.....	(Pott, Young & Co.) 1 00
Garrett (E.), Premiums Paid to Experience.....	(Dodd & Mead)
Goethe (W. von), Elective Affinities.....	(Holt & Williams) 1 25
Gross (Rev. J. B.), Doctrine of the Lord's Supper.....	(J. B. Lippincott & Co.)
Guthelm (Rev. J. K.), The Temple Pulpit.....	(New York)
Hand-book of Colorado, 2d year.....	(Blake & Willett) 0 60
Haverall (Frances K.), The Ministry of Song.....	(De Wit, C. Lent & Co.) 1 50
Holland (J. G.), The Marble Prophecy, and other Poems.....	(Scribner, Armstrong & Co.)
Hood (E. P.), The World of Anecdote.....	(J. B. Lippincott & Co.)
Home (D. D.), Incidents in my Life, Second Series.....	(Holt & Williams) 1 25
Holmes (Dr. O. W.), The Poet at the Breakfast Table.....	(G. H. Osgood & Co.) 2 00
Howard (C. J.), Recitations: Comic, Serious, and Pathetic.....	(Dick & Fitzgerald)
Isolina; or, The Actor's Daughter.....	(J. B. Lippincott & Co.)
Johnson (Dr. F. G.), Natural Philosophy.....	(J. W. Schermerhorn & Co.) 3 50
Josh Billings' Farmer's Almanac for 1873, swd.....	(G. W. Carleton & Co.) 0 25
Kingsley (Rev. C.), Town Geology.....	(D. Appleton & Co.)
Kingsley (H.), The Harveys: a Tale.....	(J. B. Lippincott & Co.)
Lange (Rev. J. P.), Commentary on the Psalms.....	(Scribner, Armstrong & Co.)
Lawrence (P.), The Lawrence Speaker.....	(T. B. Peterson & Bros.) 2 00
Leavitt (J. M.), Hymns to Our King.....	(T. Whittaker)
Littell's Living Age, Vol. XXVI.....	(Littell & Gay)
Mahly (Prof. J.), Der Roman des XIX. Jahrhunderts, swd.....	(L. W. Schmidt)
Mitchell (Miss M.), Guillemin's Wonders of the Moon.....	(Scribner, Armstrong & Co.) 1 50
Müller (Prof. F. M.), Ueber die Resultate der Sprachwissenschaft, swd.....	(L. W. Schmidt)
Nordhoff (C.), California for Health, Picaure, and Residence.....	(Harper & Bros.)

SUMMARY OF THE BUSINESS
OF
THE MUTUAL LIFE INSURANCE COMPANY
OF NEW YORK,

F. S. WINSTON, *President.*

For twenty-eight years and eleven months, from its organization to
January 1, 1872.

THE MUTUAL LIFE INSURANCE COMPANY OF NEW YORK,
ACTUARY'S DEPARTMENT, October, 1872.

F. S. WINSTON, Esq., *President, etc.:*

DEAR SIR: In compliance with your request, that this Department make an accurate Statement of the Condition and Monetary Affairs of the Company, for the information of our General Agents, Policyholders, and the Public, I have carefully prepared the following full exhibit on all important points, and have had the same thoroughly examined and compared with the several accounts by my Assistants, and by the Auditor. I believe it to be true and worthy of all confidence.

The great financial strength of the Company, and its more than sufficient pecuniary ability to meet all its obligations, as exhibited in this Statement, are mainly due to the low rate of ordinary expenses, and of Mortality, and high rate of Interest, which have characterized its experience in the past. In all these facts, which are vital in the science and business of Life Assurance, the Company exhibits a record of success and an attitude unequalled by any other Company in this country or in Europe.

Our net prices for Assurance are, as you are aware, based upon an Annual Interest of Four per cent. for money, and the Mortality rates of the American Life Table; and our selling prices, called Office Premiums, result from a percentage addition to these, to cover expenses other than Death Claims. The Company has, since its organization, returned to its Policyholders, in money, abatement of Premiums, increased Assurance, and for surrendered Policies, nearly one-half (0.458) of its Cash Premium Receipts; and paid, in cash, death and other Assurance claims, but little short of Seventeen Million Dollars, besides investing, at Seven per cent., being Three per cent. more than assumed in Premiums, a Reserve Fund sufficient to induce any Insurance Company doing business on legitimate principles, to assume all its obligations, present and prospective, amounting, at the close of last year, to nearly Two Hundred and Forty-nine Million Dollars.

Results so striking as these can only have been secured by the habitual practice of a rigid economy in expenditures, great caution in the selection of lives, and a most active vigilance in investing the funds which have been, and are now, constantly flowing into the Company.

Moreover, our business is steadily on the increase; the returns thus far received from our General Agents, and the current operations of the Home Office, indicating an augmentation in the amount of our Assurance of over Ten Million Dollars during the present year, over and above all its cancellations.

Respectfully submitted,

(Signed) WM. H. C. BARTLETT, *Actuary.*

STATEMENT.

RECEIPTS.		
Premiums received in Cash,		\$64,677,770 23
do. do. Surrender of Dividends,		23,152,560 01
Interest, Rents, etc.,		17,486,707 79
Total Receipts,		\$105,317,038 03

DISBURSEMENTS.		
Claims by Death, Annuities, and Matured Endowments,		\$16,959,557 04
Dividends paid—by reduction of Premiums, in increased insurance, for post-mortem claims and in Cash,		23,386,833 93
Paid for Surrendered Policies,		5,172,395 31
Commissions and Brokerages to Agents,		5,984,789 99
Medical Examinations, Printing, Advertising, Salaries, Rents, etc.,		3,835,523 86
Taxes,		713,366 73
Total Disbursements,		56,052,466 86
Net Assets, January 1, 1872,		\$49,264,571 17

SUMMARY OF INVESTMENTS.

1. Bonds and Mortgages on property worth more than double the sum loaned,	\$39,480,235 39
2. United States Stocks,	4,203,108 75
3. New York State and City Stocks,	1,000,000 00
4. New York State Town Bonds,	70,000 00
5. Real Estate,	1,089,863 89
6. Cash in Banks and Trust Companies at interest,	3,306,039 50
7. Balances due from Agents,	115,273 64
	\$49,264,571 17

ADD:

Interest accrued,	\$512,730 03
Accruing Semi-Annual and Quarterly Premiums,	1,122,442 86
Premiums in course of transmission,	134,480 57
Market value of Stocks in excess of cost,	543,772 37
	2,313,425 83

Gross Assets, January 1, 1872, \$51,577,997 00

The appraised cash value of the property mortgaged to the Company as security for these Bonds and Mortgages, is over \$20,000,000. Fire Insurance to the amount of \$23,000,000, in addition, is also held as collateral security to these loans.

I have carefully examined the foregoing statement, and find the same correct.

(Signed) ISAAC F. LLOYD, *Auditor.*

BUREAU OF ACCOUNTS,

THE MUTUAL LIFE INSURANCE COMPANY OF NEW YORK,

144 and 146 Broadway.

The undersigned Committee, appointed to examine "the Accounts and Assets of the Company," hereby certify that they have carefully examined the same and compared them with the "Statement of The Mutual Life Insurance Company of New York, for the year ending December 31, 1871," and they find the same to be as stated, and such Statement to be correct.

(Signed) JOHN WADSWORTH,
L. ROBINSON,
W. M. VERMILYE,
W. SMITH BROWN,
JAS. C. HOLDEN,

NEW YORK, February 1, 1872.

Gross Assets as above, \$51,577,997 00

LIABILITIES.

Reserve required for all Policies in force,	\$36,248,937 84
" " " additions to same,	10,259,355 45
" " " Annuities,	170,543 96
Reserved for Expenses,	449,088 79
Claims by Death not yet due,	456,478 97
Post-mortem Dividends due on demand,	56,000 00
Premiums paid in advance,	33,654 39
Surplus accrued on Tontine Dividend Policies,	8,197 22
	47,682,256 62

Surplus over all Liabilities, \$3,895,740 38

Dividend declared January 1, 1872, 2,843,727 92

Undivided Surplus, \$1,052,012 46

The Reserve Fund for Policies, and Additions to Policies, is ascertained by the American Table of Mortality and Four per cent. Interest.

The Mortality actually experienced by the Company has averaged about seventy-five per cent. of that predicted by the American Table.

	Percentage.
Ratio of Commissions paid to Total Receipts,	5.68
Ratio of all other Expenses to Total Receipts,	4.32

Ratio of Total Expenses to Total Receipts, 10.00

The Ratio of Expenses to Receipts has been steadily declining for several years, having been for the year 1871 only 7.8 per cent. against an average of 10 per cent. during the whole existence of the Company.

The Amount of Dividends paid (Cash value) is,	\$23,386,833 93
Add Surplus existing after Dividend of 1872, to be returned,	1,052,012 46
Amount Paid for Surrendered Policies,	5,172,395 31

Total amount returned to Policy-holders, \$29,611,241 70
Total amount of Cash Premiums paid by Policy-holders, 64,677,770 23
Ratio of sum returned to Cash Premiums received, 45.8 per cent.

It is not claimed that every Policy-holder has had his percentage of cash premium returned: the general average only is here intended. Some have had more and some less, depending upon the kind of Policy, its age, and that of the owner, and whether the latter has or has not used his dividends in payment of premiums. For instance, Policy No. 3, now the oldest, rises to 128 per cent.; whereas, No. 106,323, one of the more recent, and on which the dividend has been surrendered in payment of premium, reaches only to 32 per cent.

When Annual Cash Dividends remain with the Company, and are used to purchase more Life Assurance, payable with the Policy, the amount so purchased will, on the general average, be more than double that of the Cash Dividends.

In conclusion it is submitted whether any other Insurance Company in existence can make a more favorable exhibit in regard to the extent of its business, amount of its accumulations, magnitude of its dividends, economy of its expenditures, and the character and sufficiency of its securities.

(Signed) WM. H. C. BARTLETT, *Actuary*.

At the usual quarterly meeting of the Board of Trustees, held on the 16th of October, 1872, on motion it was unanimously

Resolved, That in accepting the statement of the Actuary and Auditor at this meeting, the Trustees deem it their duty, and the present a fitting occasion, to express their continued confidence in the watchfulness, ability, and integrity with which the business has been conducted by the Executive Officers, and their appreciation of the faithful performance of their duties by those employed in other departments of the institution.

Resolved, That we, the undersigned, Trustees of the Mutual Life Insurance Company of New York, do express our entire confidence in the accuracy of the preceding statement.

(Signed)

S. D. BABCOCK,	LUCIUS ROBINSON,	JOHN V. L. PRUYN,
MARTIN BATES,	ALFRED EDWARDS,	DAVID HOADLEY,
JOHN E. DEVELIN,	GEO. C. RICHARDSON,	W. E. DODGE,
H. C. VON POST,	W. M. VERMILYE,	RICHARD PATRICK,
HENRY E. DAVIES,	J. C. HOLDEN,	F. R. STARR,
EZRA WHEELER,	O. H. PALMER,	SAMUEL M. CORNELL,
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WM. A. HAINES,	FRANCIS SKIDDY,	

The two other members of the Board—namely, Messrs. ALEX. H. RICE and HENRY A. SMYTHE, are absent in Europe.

We append Extracts from the Report of a Committee appointed by Policy-holders residing in Boston, Mass., to examine the condition and management of the Company.

REPORT.

To the Policy-holders of the Mutual Life Insurance Company of New York, residing in Boston and Vicinity.—By their Committee appointed at the Meeting held in Boston, May 19, 1870, upon the Specific Charges presented at that Meeting, upon other points set forth in the Letter of a Policy-holder, and upon the General Condition and Management of the Company's affairs.

Boston, June 8, 1870.

"We accepted the duties of this commission with intent to their full performance in the interest of our constituents, to uncover the truth, whether of right or wrong, if found hidden; knowing well that the purest integrity and the best ability must not only guide, but must be fully believed to guide, the management of the sacred trusts held by our Life Insurance Companies, for the protection of the insured, and not less for that gainful progress and success essential to the maintenance of low rates of premium under the mutual system. Well-grounded confidence, the effect of able and faithful administration, is indispensable to that feeling of comfort and content which ought to belong to every man who insures the future welfare of his dependent ones, it may be from hardly-earned savings. The duty to condemn the wrong carries the coequal duty to approve the right. Unjust aspersions of a faithful officer is as wrong as the retention and defence of an unfaithful one.

"We were authorized 'to investigate the affairs of the Company.' Every facility for it was given by the President and other officers, who placed at our disposal every account and record in the office, and their own services.

"Besides the executive and administrative officers, there is for each department a Committee of Trustees, whose duties are not merely formal, to give sanction without knowledge; but each member of the several committees is required to know and pass upon the merits of each separate transaction in his department. For instance, no money is loaned until the value and other particulars of the estate offered as security under mortgage have been ascertained by their own inspector of real estate; nor until the title thereto has been examined by expert conveyancers, and by the learned and faithful counsel of the Company, and reported clear; nor until these have been passed upon by the Committee of Trustees, and the written signature of each member present given in approval of the loan—these papers each bearing a plan and description of the estate in question, all being recorded and preserved in the office. The success and value of these precautions are shown in the results that will be mentioned in another place.

"The trustees, men of high personal character and eminent in their several professions, not only give this constant attention, in sufficient number, to the ceaseless transactions, but, in further security of the vast interests in their charge, they appoint from time to time their own committees of investigation and review, calling to their aid the services of mathematical and other experts in determining the laws and principles of finance and insurance by which they shall be governed.

"The routine of business is so nearly perfect in its system that we could see no place for amendment. At every step, from the application for insurance upon a life to the safe and profitable investment of the rapidly-accumulating premiums, there is a test of accuracy, a check against error, wilful or accidental. We cannot take space to describe all this in detail, but must be content to say that, if the system pursued is not perfect, and does not avoid the possibility of error, it is because these results are not easily attainable by fallible men.

"All the reports upon the general condition of the affairs of the Company concur in showing a rapidity of healthy progress, success, and strength of position attained, without parallel elsewhere. These show an able and careful administration of this great trust, and a satisfactory condition of its affairs at the present time.

"Our conclusion, from the enquiry which we were commissioned to make, fully sustains the language of the Superintendent of Insurance: 'that the Company has been managed with peculiar ability and integrity, and that its condition is eminently sound.' The excellence of that management in the past, and the character of the men administering the trust, give good assurance of what it will be henceforward.

"With our congratulations to you, and all others who are so fortunate as to hold policies of the Mutual Life Insurance Company of New York, we submit in this informal manner the first Report of the Committee of Boston Policy-holders.

"Respectfully,

"B. F. NOURSE,
WILLIAM HILTON,
"Committee."

The Hon. WILLIAM BARNES, late Superintendent of the Insurance Department, writing under date of June 16, 1869, says: "Holding the rank which you have held so long as the leading Life Insurance Company on this continent, I am happy to see that your condition was never stronger or more impregnable than at this date. Your Assets are in such a situation that either your Board, or the Superintendent, can at any time accurately test the solidity of the same, and in such a manner as to satisfy, beyond cavil, any honest and intelligent Policy-holder as to the soundness of the Company.

"I shall also feel it to be my duty, as the Legal Guardian of the Public interests connected with Life Assurance, to disabuse the public mind from any ignorant, false, or malicious assaults upon your standing, management, or responsibility."

The following statement exhibits the progress of the Company since January last, and its condition on the 1st instant:

SUMMARY OF THE BUSINESS FROM JANUARY 1st, 1872, TO OCTOBER 1st, 1872.

Net Assets, January 1st, 1872,	\$49,264,571 17
RECEIPTS.	
Premiums,	\$8,794,676 88
Interests, Rents, etc.,	2,318,985 47
	11,113,662 35
Carried forward	\$60,378,233 52

Brought forward	\$60,378,233 52	
DISBURSEMENTS.		
Claims by Death, Annuities, and Matured Endowments,	\$2,087,125 04	
Paid for Surrendered Additions,	1,708,548 77	
Paid for Surrendered Policies,	1,215,335 01	
Commissions to Agents, Medical Examiners, Printing, Advertising, Salaries, Taxes, etc.,	1,024,706 59	6,035,715 41
Net Assets, October 1st, 1872,	\$54,342,518 11	
SUMMARY OF INVESTMENTS.		
Bonds and Mortgages,	\$46,105,357 07	
United States and New York State and City Stocks,	5,773,108 75	
Real Estate	1,272,701 49	
Cash in Banks and Trust Companies at Interest,	1,158,489 46	
Balances due from Agents,	32,861 34	
	\$54,342,518 11	
ADD:		
Interest accrued,	\$750,690 13	
Accruing Semi-Annual and Quarterly Premiums,	1,120,000 00	
Premiums in course of transmission,	106,172 75	
Market value of Stocks in excess of cost,	561,332 13	2,538,195 01
Gross Assets, October 1, 1872,	\$56,880,713 12	

I have carefully examined the foregoing statement, and find the same correct.

ISAAC F. LLOYD, Auditor.

Number of Policies in force October 1, 1872, 77,265, insuring \$260,374,332.

WM. H. C. BARTLETT, Actuary.

The Company will continue to guide its business in the future by the same principles and rules which a long experience has shown to be most conducive to the safety and best interests of its Policy-holders. It will issue Policies of all approved descriptions, and at its usual Table rates.

FREDERICK S. WINSTON, PRESIDENT.

RICHARD A. MCCURDY, VICE-PRESIDENT.

JOHN M. STUART, Secretary.

W. H. C. BARTLETT, LL.D., Actuary.

FREDERIC SCHROEDER, Ass't Secretary.

L. C. LAWTON, Ass't Actuary.

C. A. HOPKINS, Cashier.

WILLIAM BETTS, LL.D.,
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ISAAC L. KIP, M.D.,
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